

# The Nation.

NEW YORK, THURSDAY, OCTOBER 29, 1874.

## The Week.

THE election in this State which takes place next Tuesday will be very important for two reasons. It will decide the fate of twelve amendments to the State constitution, which we have discussed elsewhere, and will have a serious influence on the fortunes of the Republican party, both by the return of members of Congress, and by stemming or swelling the tide of discouragement set in motion by the recent Republican losses in Ohio and Indiana. But it is only honest to say that at this writing the Republican chances are small, and the Democrats are not unreasonably jubilant, and are disputing over the size of their majority, which the more sanguine put at 50,000, and the less so not very much lower. It is conceded on all hands that the only strong name on the Republican ticket is General Dix, and towards him there is a good deal of disaffection on the part of the managers. Of the Republican platform, the less said the better. The causes of this unhappy plight of the Republican party are of course numerous. The principal one is the undue confidence and elation caused by the victory of 1872. It was said by one of the chiefs that it gave the party an eight years' lease of power for certain, and it was ascribed to the burning eloquence of Mr. Roscoe Conkling. It was argued, therefore, that all that was needed when trouble again arose was to call in Mr. Conkling once more. The fact was that it was due to the ludicrous character of the opposition to General Grant, and that Mr. G. F. Train could have produced nearly as good "a line of light" as that which, according to his admirers, Mr. Conkling left across the State. The result has been the display of extraordinary recklessness in all departments of the Administration, and utter indifference on the part of the majority in Congress to the leading questions of the day. The Treasury was handed over to Mr. Richardson, the South to Attorney-General Williams, the State of Massachusetts to Ben Butler, and the party so totally neglected its principal duties that it had nothing to begin the canvass with this year but trumped-up "outrages." The gleam of hope emitted by the McEnery "rebellion" soon passed away, and the party has now little left in the way of capital but a heap of exposed falsehoods. The very most has been made of the third-term talk by the Democrats, and it has probably fatally injured General Dix. It might have been stopped by a few words at the Utica Convention, but Mr. Conkling was so occupied with "midnight assassinations" and "reigns of terror" that he actually strengthened it by his allusions.

A large and successful meeting of the Republicans was held on Monday evening at the Cooper Institute, and speeches were made by General Dix and Judge Pierrepont. The resolutions adopted view with regret the record of the Democrats in everything they have done, and with pride and satisfaction the record of the Republicans. Most unbiassed people, we suppose, in reading General Dix's straightforward speech will feel inclined to vote the Republican ticket, though how the same persons will feel after looking over Judge Pierrepont's language will be another question altogether. But even an unbiassed voter must admit that Tilden's war record is against him, and that not much could be done towards firing the popular heart with a desire to "crucify" Dix, by the production on a transparency now of the well-known Chicago resolution, "This Convention does explicitly declare, as the sense of the American people, that, after four years of failure to restore the Union by the experiment of war, during which, under the pretence of a military necessity or war power higher than the

Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of all the States or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States."

The Democrats have also held a great ratification meeting, and had speeches from Seymour, Kernan, and Governor Parker of New Jersey. The resolutions denounce with great earnestness the increase of "rag currency," Custom-house corruptions, gag-laws, "anti-revenue" tariffs, and, above all, "the significant silence of the President, whose single word might send back to their public employments the 80,000 office-holders who are plotting for his third term." Governor Parker promises that if the Democrats get control of the Government they will establish justice, make the country prosperous, stimulate thrift, bring money out of its hiding-places, protect the negro, but at the same time not protect him too much, and advance the value of real estate "so that the man of moderate means need not fear the coming of the sheriff"; and he expresses the hope that no personal feeling or local grudge may prevent the people of the State from securing these advantages. The Republicans, however, and the 80,000 office-holders will prevent it if they can.

The turn which the election will take in Louisiana will depend, apparently, very much on how much fraud Kellogg conceives himself to be in a position to commit. During the past week the Attorney-General of the State has delivered an opinion, in which he declares that several thousand citizens naturalized by the Second District Court are not legal voters, the court not having had jurisdiction. It is said, however, that these voters, who are understood to be Conservatives, will be allowed to vote separately, the question of counting their ballots to be determined afterwards. The negroes have begun to fall away from Kellogg, and with a fair election there is little doubt the Conservatives would carry the day. There is a point in fraud, too, to which it is agreed even Kellogg would not go; but where that point is, or how he is to know when he reaches it, are matters involved in obscurity. The troops are kept employed in street manoeuvres, which the Conservatives maintain are designed for the purpose of intimidation, while the Radicals say that they are nothing but necessary daily exercise. One of the officers has succeeded in distinguishing himself by procuring the arrest of a large number of citizens under one of the Ku-Klux or Enforcement Acts, and the situation now looks as if Kellogg's best hope would be to arrange matters so as to leave the result of the election in doubt, in which case he, being still in office, and sustained by troops, would be able by appeals to Congress, wars of races, and Ku-klux outrages, to keep himself in for sufficient time to receive a fat mission, or a senatorship, or something of the kind. His hold upon Louisiana seems, however, to be fast relaxing.

The President is still continuing his infamous plots for the subversion of the liberties of the country. Perhaps he shows his subtlety in nothing so clearly as in this—that unlike most usurpers he is working to get himself renominated without any votes. Dix says that he will have nothing to do with a third term, and there are reasons for believing that Morton and Blaine are devoting their minds to the consideration of questions connected with a first rather than a third term; the Southern carpet-baggers are afraid to mention it, the Democrats have never advocated it, and a strong faction of the Liberal-Republicans is said to be in favor of no more than half-a-

term for any one office-holder. Nevertheless, the President is at work, and during the past week has struck another foul blow by removing some tainted office-holders in Texas. This is supposed to have been done for the sake of conciliating Senator Flanagan, who got the men their places. Seriously, however, the President seems to be awakening too late to the connection between Southern misgovernment and his own Administration. His interference against Moses in South Carolina and his present descent upon the corruptionists in Texas seem indications of this.

The question of ritualism has been receiving fuller discussion during the last week or two than it has yet met with in the official bodies of the Episcopal Church. The matter was first brought up in the case of Dr. Seymour, who had been elected Bishop of Illinois in place of the late Dr. Whitehouse, and was presented to the General Convention for confirmation. Dr. Seymour's connection with the Episcopal Seminary in this city, and his possession in this way of considerable influence on the younger clergy, of course have made his sayings and doings sufficiently conspicuous to afford abundant materials for debate. But curiously enough, no attempt was made to defend ritualism; his friends occupied themselves in disproving that he was a Ritualist; and in fact the new movement was found to have no direct defenders in the body. Nothing we believe was made out against him, but enough small things were said or suggested to lead to his rejection. At this writing the Convention is engaged in debating a canon against ritualism, which is perhaps as necessary work as it could do, as there is little question that if the Church cannot make an end of ritualism, ritualism will make an end of the Church's strength and influence.

Judge McKean, of Utah, achieved for himself a few years ago a brilliant though momentary reputation by refusing to issue certificates of naturalization to foreigners adhering to the doctrines of polygamy, on the ground that they could not have the proper sort of character or principle for American citizenship. The judge has again come to the front—this time dragging the editor of the *Salt Lake Herald*—which journal had insinuated against him that he was in the habit of making descents of a predatory nature on mining property—before the Grand Jury, and requiring that body to indict the *Herald* if the story were false, and himself if it were true. From copies of the *Herald* still allowed to circulate, it does not appear that the judge's orders have had a chastening effect on that newspaper, for it now denounces him for gagging the press, and in no very indirect language hints that the administration of justice in McKean's court is a "put-up" affair. Meanwhile, operations for the suppression of polygamy are actively going on, proceedings of several sorts having been begun which involve Elder Ricks, Cannon (delegate to Congress), and Brigham Young. Cannon was elected to Congress by means of the female vote; he is now prosecuted for polygamy. Ricks's case is singular. According to the best accounts, being drawn on the grand jury, he swore that he was not living in polygamy, but could conscientiously find true bills against those who were. But on the following day, evidence being forthcoming to show that he had five wives, the elder replied by falling back on the great principle of the common law that he was not bound to criminate himself, but that it was the business of the Government to find out whether he had five wives or not. According to the *Springfield Republican*, he is described as being "the beau-ideal of an orthodox Mormon," with the "mountain meadow face," a man who would "divide his last biscuit with the traveller at night and cut his throat in the morning, to the glory of the church."

On the 3d of next month elections will be held in some twenty-five States and Territories, of which the result will determine the complexion of the next Congress, and also some other things. In Michigan, the election day this year, according to the *Woman's Journal*, will be "the most important day in its possibilities that has dawned upon America since the Declaration of Independence," for it will be the day on which "the men of Michigan, by their

votes, will establish or defeat impartial suffrage and equal rights for women." A very stirring appeal it is that we find in the columns of the *Journal* to the nobler sympathies of the Michigan male voters, reminding one in its ringing notes of some of the best efforts of General John Cochrane in one of his proclamations issued on the eve of a Liberal-Republican victory in the State of New York: "Ignored by every party organization, embarrassed by insufficiency of means, assailed by the unscrupulous defamation of political demagogues, the suffragists of Michigan are strong in their principles. They appeal to the good men of all parties to establish a true republic upon the soil of the peninsula." There is, as the author of this appeal justly says, only one way to carry the State, and that is by persuading a sufficient number of male voters to vote affirmatively on the adoption of the suffrage amendment. The sky looks black and cloudy indeed, the wind howls in the rigging, and the ship of state is driving on a lee shore; but we infer from what the *Woman's Journal* says that a vigorous attempt will be made to keep her off the rocks.

In South Carolina, we believe, there is no active agitation for woman suffrage; indeed, in few of the Southern States since the war have there been many indications of a desire for this reform; though if, as the ladies say, one of its immediate effects would be the purification of politics, the South is just the place where they ought to be most eager to introduce it. But the minds of both Conservatives and Radicals there are occupied with other things. Governor Moses has been at last driven into guaranteeing the people of his State a fair election, by changing the election commissioners in every county. This move is hailed with great satisfaction by the Conservatives, who now have hopes, with the aid of the bolting Republicans, of carrying the State. Chamberlain does not seem to be making a successful campaign, and though he has recently published denials of most of the specific charges against him, he does not succeed in persuading any one that his reputation is in a good condition for political use—and this, after all, is a *sine qua non* for a good reform candidate.

The *Interior*, a religious paper published in Chicago, says "the *Nation* reads the religious press a severe lecture for advertising the Northern Pacific Railroads." The *Nation* never did anything of the kind. It found fault with them for secretly taking pay for puffing railroad bonds in "their money and editorial columns." We have never said one word against the advertisements in any paper as long as they were not disguised or indecent. Nobody is deceived by an advertisement, or, if he is, a publisher is responsible for it. It is not advertising but concealed brokerage that is reprehensible. The *Interior* further says that, "if they were to believe the *Nation* and other secular papers, they knew that ministers, widows, etc., were being subjected to a gigantic system of swindling, and yet they kept quiet"—that is, in the case of the Northern Pacific. Here again the *Interior* talks like a sinful, wicked paper. The *Nation* never pretended to know anything about the prospects of the Northern Pacific Railroad, and therefore never said one word about it. It refused to take the responsibility either of advising people not to buy the bonds or to buy them. It refused an invitation to go over the road and see its enormous capabilities, because if accepted, the invitation would have entailed an obligation to express an opinion. We will now, however, tell the religious papers how to avoid trouble with widows and orphans about bad investments. They must watch the course of the *Nation* closely, and do as it does—that is, totally leave off puffing bonds, stocks, or any species of vendible commodity, or helping any commercial enterprise by editorial commendation. If they really want "to save wicked men and overthrow the power of the Devil," this is the way to begin, for we can assure them there is nothing gives the Devil more satisfaction than a "Publisher's Department" filled with lying puffs paid by the line, and put forward as the advice of a simple-minded Christian who wants his friends to get the worth of their money. Some papers have also circulated



the story that Mr. Bowen of the *Independent* has sued the *Nation*. This must amuse Mr. Bowen as much as it does us. We have said nothing in the remotest degree actionable. Mr. Bowen has the contract of which we have spoken, and knows himself that our account of it is rather under than over the truth. Why, then, should he sue us?

If there can be said to be any news from Spain, it shows the condition of the Republic to be getting worse and worse. It would appear now that the attempt to relieve Pampeluna was a failure. Not only did Moriones suffer severely on the march back, as we mentioned last week, but his contribution to the stores of the garrison was small, and the place is now more closely invested than ever. There are rumors of a new and desperate movement on the part of the Republicans within a few weeks, but there is also a counter rumor that the Carlists are at last preparing to cross the Ebro in force, and one is perhaps as likely as the other. The recent article in the Government paper, the *Politica*, recommending foreign intervention, has created much excitement, and has strengthened the belief in other countries that Germany is in some manner behind Serrano. He has been remonstrating with both France and England for allowing supplies to be sent to the Carlists, and has been treated civilly and somewhat apologetically by the former, but Lord Derby has handled him very roughly on behalf of England, and, in fact, advises him to get the Spanish navy to be efficient—a task which we suspect is beyond Serrano's powers.

The great subject of interest in Germany is the arrest and imprisonment of Count Arnim. The *Cologne Gazette* has published what purports to be a full, true, and particular account of it. It appears that the Count's sympathies, and perhaps opinions, were on the side of the Legitimists during his residence in Paris under the Thiers Ministry, while Bismarck, who took a more purely German view of the matter, was satisfied that a Legitimist restoration would be dangerous to peace between the two countries. This led to a coolness and withdrawal of confidence on Bismarck's part, but the Count was still allowed to remain at his post until his unsuitableness became more clearly manifest, and then it was determined to translate him to Constantinople. In the interval between his leaving one post and taking another, however, his successor in Paris discovered the absence of certain papers relating to the Papal question, and Arnim acknowledged that they were in his possession, and surrendered them. Further search revealed the absence of many more, some of which the Count denied all knowledge of, and others he admitted to be in his possession, but refused to surrender. The judges were then appealed to, and it is under their orders that he has been arrested, and his house searched. The main question on which they will shortly pass is whether the missing papers are private and personal letters or official despatches. The affair has derived additional gravity from the fact that the purloining of despatches, and their publication by diplomatists for personal purposes, has of late been unfortunately common among European diplomatists. The Duc de Gramont was guilty of it, and so were Count Benedetti and M. Rouher; and General La Marmora used some confidential papers in defence of himself against the German Government, which led to a savage remonstrance from Bismarck. But there seems to be no good ground for believing that Count Arnim has any materials for startling revelations about Bismarck, as the Ultramontanes have been trying to flatter themselves. The original number of missing papers was one hundred, and they relate to the Count's mission both in Paris and at Rome during the Council of the Vatican.

In France there is still much disputing over the meaning of the elections to the Councils-general, and much hard struggling on the part of the Republicans, as here, to make it seem that wherever the Monarchists or Imperialists made any gains it was owing to "local issues." The fact is they have made some gains between them, and

united have a majority over the Republicans. But it is plain enough that there is no very sensible change in provincial opinions on the leading questions of government. The local notables are not much more favorably regarded for being Republicans, or less favorably regarded for being Legitimists or Bonapartists, than they were a year or two years ago. That burning eagerness for a republic which is said to reign in the hearts of the French masses, and which makes some people so angry with MacMahon and the Assembly for not proclaiming it at once, has thus far in fact not been revealed by any of the ordinary channels. We hear of it from M. Gambetta, and from several English and American newspapers, but the French country people keep mum about it in the strangest way. MacMahon's dealings with the press excite more and more dissatisfaction. He suspends on ludicrously small grounds, and pretends that he can stand no criticism which does not treat the Septennat as the only needful and for the present only possible government. The press is occupying itself largely, in the present ticklish condition of home politics, with drawing fearful pictures of the way in which Germany is going to dominate England and other foolish nations which allowed her to get the better of France. But there is no more outlook in French politics than there was a year ago. The Legitimists, who are so sorely puzzled to know what to do with the Comte de Chambord, are trying as a last resource to get him to come and live in France, believing apparently that this might bring him to his senses.

But scanty particulars of the civil war in the Argentine Confederation have reached us, and these by Cable. The leader of the insurgents is General Mitre, who assumed command, by manifesto, on the 12th instant, the day of the inauguration of the new President, Dr. Nicolás Avellaneda. The elections which resulted in this choice were bitterly contested, and the frauds which were alleged to have occurred were made the pretext of revolt, which broke out about the first of the present month. The city of Buenos Ayres was speedily beset by land, and the rebels, though not allowed to remain in the port of Montevideo, have kept a small navy afloat, which has given the Argentine Government much anxiety. Numerous instances of defection from the Government ranks are reported; and the capital, in which public opinion appears to be divided, has been thrown into a state of moral and financial panic. Thus far no engagements of any importance have taken place, and there have been even rumors of compromise, in which President Avellaneda was to sacrifice his office. We count it among the encouraging signs, however, that he followed up his entrance upon his duties with a proclamation calling upon all law-abiding citizens for support; and that his predecessor, Sarmiento, has taken command of the troops defending Buenos Ayres—precisely where we should have expected to find him. What intensifies the struggle is the fact that the Presidential term is six years; and in a different sense perhaps from what he intended, Dr. Avellaneda's words at a banquet given him in August seem likely to prove true, when he said: "The power and efficacy of our institutions have not been so sorely tested by the electoral conflict as they have been by the result." Stripped of personal considerations, the war is, in fact, like our own civil war, one between a national and a particularist, a legal and a revolutionary, a North-American and a South-American party. With this issue the degree of popularity of the President has no concern, and the question of fraud at the polls takes at once a subordinate place. The mixed population of a capital in which Italians outnumber every other nationality except the Spanish-Americans, and in which the foreign-born residents make a close approach to one-half the total, complicates the problem immensely, or rather is a premium on the success of revolt, since the triumph of law and order depends upon the successful maintenance of the capital. One thing is certain, that something more than six years of a wise and useful administration like that of Sarmiento's, and than such an advance in civilization as is implied by four thousand miles of telegraph, is needed to make the country of Rosas a stable, steadily progressive republic.

## THE WORKING OF THE FORCE ACT.

WE think those of our readers who are inclined to the opinion that it is safe and well to hand the government of the Southern States over to the Attorney-General and the army, would do well to go back a little and examine the arguments by which negro suffrage was imposed on the South as a condition of reconstruction. We were among the number of those who advocated it, and we did so on two grounds, justice and expediency. That is to say, although we were in favor of an educational test, we thought it would be unfair to exact it of the blacks without exacting it of the whites, particularly as the blacks were at that time objects of great contempt and aversion to the whites. But the reason which seemed most powerful of all was the belief that by arming the blacks with the ballot we should furnish them with the means of protecting themselves against white aggression, and thus relieve the General Government from the necessity of interfering in Southern affairs in a way that might eventually prove dangerous to all State independence. It was urged, and with great force, by the friends of negro suffrage that it would be impossible to stand guard over the black man without an army of three or four hundred thousand men and enormous expenditure of money, and that, therefore, by far the cheapest and safest thing to do was to enable him, as a voting citizen, to obtain deferential treatment from the various political parties, and to influence the choice of judges, sheriffs, and other administrative officers. We said that though this might not secure him at the outset against violence or intimidation, it was sure to do so before long; that a million of voters must speedily become objects of adulation to politicians and office-seekers; and that this protection for the freedman would be secured in the regular American way, and we should be saved the necessity of centralizing the government, and introducing arbitrary practices into our administrative system.

After nine years' experience of the working of negro suffrage at the South, we see only one thing to regret, and that is, that the admission of the negroes to the franchise was not made gradual, and through an educational test. This probably might have been done without as much difficulty on the score of inequality as we then thought we saw, and it would have saved Southern society from the tremendous shock caused by the sudden and indiscriminate admission of the newly-emancipated slaves to a share in the Government. But we say this in the interest of the whites. As regards the security of the blacks, the fondest hopes of those who demanded the suffrage for them have certainly been realized. In those States in which there is a clear white majority, and the government is in white hands, everything has turned out much as was anticipated. The negro enjoys as much protection from the laws as the whites, and can use his vote with just as much effect as the whites, and, as far as we can learn, has nothing to complain of except inability to get office—a grievance with which it is difficult to have much sympathy. In Virginia, we believe, he is not fairly dealt with in the matter of common schools; but, as regards this, we should give him precisely the same advice we should give Irishmen who wanted a share of the school funds for their church schools, or Germans who wanted free lager, or any other class of the community suffering from any disability—"Argue and protest and vote until you get what you conceive to be your rights." On the other hand, in those States in which the blacks are in a majority, the blacks have themselves become, in the hands of white knaves, oppressors of the worst sort, and have brought society to the verge of destruction. Here, in like manner, we advise the unfortunate whites to argue and protest and appeal and vote until *they* get their rights. In short, we urge upon both blacks and whites a thorough trial of the American theory, on the ground that order and peace will somehow, sooner or later, be evoked from free discussion and free voting, and that occasional violence and outrage are not sufficient reasons for giving up the experiment of free government, and falling back on martial law.

Now, our firm belief is that this experiment would have succeeded if the Republican party had chosen after reconstruction to

let the South alone. What has placed, or is placing it in peril, is the fact that after the carpet-baggers had gone down there and arrayed the blacks into a party and revealed to them the secret of their power, the chiefs in Washington took it into their heads to perpetuate, or at least prolong, the hold of the Republican party at the South, and thus supply a counterbalance for possible reverses or defections at the North, by additional legislation enormously increasing the power of Federal interference. Not only were the marshals and collectors allowed to become the confederates or supporters of the thieving carpet-baggers, but their authority was greatly enlarged, and the number of contingencies calling for Federal meddling with State affairs considerably increased by the passage of the Force Bill in 1871. We fully reviewed this legislation on the 20th of April in that year, and pointed out its tendencies and dangers. We showed, and we think conclusively, that it was an artful attempt to give the Administration at Washington complete power of police in all the States, and the United States courts jurisdiction of all classes of offences. If any reader will take the trouble to turn to our files of that date, and will then look at what is now passing at the South, he will find that all our previsions as to the use which might be made of the act are being fully realized. It is, in short, being used as an electioneering engine of extraordinary efficiency. By an ingenious and novel use of the words "conspiracy" and "rebellion," and by treating the constitutional prohibition directed against certain kinds of State legislation as if directed against certain offences committed by individuals, it hands the whole State police over to the United States marshal, if he chooses to assume it. That is—and here is the place where the dexterity of the act as a political measure most clearly appears—the Administration is not charged with the duty of keeping the peace of the State at all times, but only at such times as it chooses to interfere. A murder, for instance, is committed in the month of August—we are now citing a case of actual occurrence. In an ordinary year the State authorities would be left to hunt down the murderer; but committed this year, with the election coming on in November, the United States marshal intervenes, treats the crime as a violation of the Force Act, or "a denial of the equal protection of the laws," and himself arrests the assassins and such persons as he may deem conspirators with him, and pronounces the killing of the man in August as an attempt to hinder him from voting in November. In fact, the statute is so vague in its wording, and may be made to cover such a large variety of offences, and is so largely independent of overt acts for its taking effect, that it can be used, and is being used now at the South, in Alabama and Louisiana, as a means of spreading terror and confusion among the enemies of the Administration. We do not believe that any constitutional government has equal means of intimidation, and used by such men as now fill Federal offices at the South it may make an election a mere farce.

One of the strongest objections to this state of things, were the purposes of the Administration never so pure and its officers never so honest, would be (as we have often said) that it prevents the negro voter from receiving the educating effect of the working of real political machinery. A political system which depends wholly, as ours does, for its success and permanence on the faith of the people in the general reasonableness—or, in other words, in the possibility of creating majorities by persuasion—cannot be worked by men who have not learnt the art of persuasion; and rude, ignorant men, new to civil as well as political life, can only be taught the art through practical experience of the necessity of it. This experience we are doing all we can to prevent the negroes from acquiring in the very States in which it is most necessary that they should have it—namely, those in which they are in a majority, or are nearly equal in number to the whites. The minute they come in collision with the whites, and the necessity of forbearance and conciliation on their part arises, down we come with our Force Act, and our marshals, and our infantry and cavalry, and begin to snap up all their more troublesome opponents as "rebels" and "conspirators," and lock them up in jail. In fact, there is hardly one of the lessons in the art of government which American jurists and politicians have



been preaching to the rulers of the Old World for the last ninety years, which we are not now ourselves disregarding at the South, and hardly one of the advantages which we have claimed for our system of divided powers over the European system of centralization which we are not now repudiating.

One sees already the evil effect of the act on public sentiment at the North in the way in which it is promoting the habit of substituting loose, vague, Spanish-American phraseology for the precise and accurate description which has been the glory of Anglo-Saxon politics for ages, and which has proved the best safeguard of Anglo-Saxon freedom. The officer who telegraphed to Kellogg the other day that "intimidation reigned supreme" at Breau Bridge, had clearly learned his lesson in the new nomenclature. Instead of charging men in the old style with having said this and done that on such a day and at such an hour, we now begin to pursue them, in the style of the French procureurs, for "exciting to hatred and contempt of the Government," as they say, or, as we phrase it, for depriving citizens of "the equal protection of the laws." Even careful and able writers are catching this most dangerous infection. Judge Ballard has most righteously ruled in Kentucky that the Force Act does not take effect under the amendment to the Constitution until a State passes an act violating the amendment. In other words, he simply says that laws in this country are always directed against specific acts of omission or commission, capable of rigid description, as the only true safeguard against despotism. A man is to be punished when he does this or that; the President is to call out the militia when certain physical phenomena, for which there is a well-known legal designation, appear; and so on. But *Harper's Weekly*, replying to Judge Ballard, maintains pleasantly that the Force Act takes effect, not when a State through its legislature does something, but when "its ruling sentiment" or "controlling public opinion practically nullifies laws which are verbally equal." This is not addressed to the public of Guatemala, be it remembered, but to that of the United States; and we may therefore ask the *Weekly* how it would describe, *in court*, "the ruling sentiment," or "controlling public opinion of a State"? How do we know when this "ruling sentiment" "practically nullifies a law"? What is "the practical nullification of a law"? In what does it consist? Is it the refusal of juries to find verdicts of guilty? If so, how many juries? Is it the refusal of police to arrest or of district-attorneys to prosecute? If so, how many such refusals amount to a "practical nullification"? Is it true that the government of a State ought to be set aside in this country whenever the President does not like its "ruling sentiment"? Are we prepared to allow him to define the phrase "controlling public opinion" for himself? If so, how does the government of Alabama differ from that of the Department of the Bouches-du-Rhône or of the Province of Barcelona? Where do we find any support for the belief that a free government can last long after public officers have been released from the necessity of basing their official proceedings on overt acts? What should we think of a law which provided that all persons wanting in candor and elevation of character, and producing an impression of selfishness and narrow-mindedness, should be imprisoned for six months with hard labor? What solid objection could you make to it? Would it not be a good thing if such persons were shut up, harassed, and generally discouraged? In short, we advise all persons who are reading ancient or mediæval history, in order to get at the nature of the subtle and slow process by which popular governments have been destroyed, to lay down their books and study the utterances of the Administration press in our own day, and the nature of our policy at the South. The work will be made all the more profitable by a perusal of what the founders of this Government thought of the dangers to which it, like all other governments of the same class, would probably be exposed.

#### THE CONSTITUTIONAL AMENDMENTS.

THE amendments to the Constitution of New York which are to be adopted or rejected next week are in a remarkable predica-

ment. They have been regularly proposed by a non-partisan commission. They are supported by the press and by several private bodies of citizens who are not in any way connected with politics, and who have no conceivable motive for supporting them except the public good. Even the Bar Association, which has declined to recommend them formally, as being outside its legitimate sphere of action, has let it be seen that the private feelings of the members are in favor of rather than against them. No man of any prominence has dared to oppose their adoption, and on the day of election every polling-place will have a box to receive ballots on one side or the other. Besides this, the amendments, which mainly deal with the abuses of special legislation and the debts of municipal corporations, are not merely unobjectionable—they are what the people of this and other States have been crying for for some years. To take one glaring case: it was by a series of outrageous acts of special legislation that Tweed got hold of the treasury of this city in 1870, and there is nothing that we know of in the constitution to prevent another Tweed from repeating the same trick with the same besotted city ten years hence. There can be no question, however, that the new amendments, which relegate local affairs to local bodies, and restrict legislation at Albany to matters of general concern, would have a very decided preventive effect. As to the municipal-debt question, there is perhaps no Eastern State in which the abuses of power on this head have occasioned more trouble than in New York. If you go into the interior of the State, you will meet Grangers and the friends of Grangers by the dozen who will assure you that village after village and county after county have been bankrupted by wholesale subscriptions to stock of corporations, and it is only a few years since a vigorous attempt was made all over the country to get these subscriptions held invalid. That particular effort failed, for it was an attempt to get the law altered by irregular and unconstitutional means, but the proposed amendments contain a clause expressly adapted to secure the desired end (Art. VIII. Sec. 11): "No county, city, town, or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, or corporation, or become directly or indirectly the owner of stock in or bonds of any association or corporation; nor shall any such county, city, town, or village be allowed to incur any indebtedness except for county, city, town, or village purposes. This section shall not prevent such county, city, town, or village from making such provision for the aid or support of its poor as may be authorized by law."

This is thoroughgoing, and will effectually prevent any of those curious financial transactions between railroad corporations and counties, cities, towns, and villages which are said to result so disastrously to the farmer. But this is not all. For a long time there has been a growing feeling throughout the country that the contraction of accumulating debt by the States themselves is an evil, and, according to a carefully compiled list recently made, the constitutions of twenty-two States now prohibit the loan of State credit or money to corporations for internal improvements or any other purpose; six virtually prohibit the creation of public debt by the legislature for any purpose whatever; and nine prohibit in their fundamental law the engaging in any works of internal improvement in the name of the people. We do not need to enumerate these States by name, for the fact is notorious; and another fact that is notorious in New York is that the history of the great internal improvements of the State—the canals—has not been such as to inspire anybody with much faith in the honest supervision of the expenditure of funds raised by taxation for the purpose of benefiting private schemes. The canals are now a nursery of fraud, and the canals belong to the State. What they would produce if they were private enterprises and borrowed the credit of the State, we can faintly guess by imagining what the Erie Railroad would have become by this time were Fisk still living and in partnership with Gould, Tweed still at the head of the government of the city, and the gentlemen who make laws at Albany selected by the three.

Under all these circumstances, it would seem antecedently probable, if it be really true that we have a popular government, that the amendments would be adopted. There could not be a better illustration of the singular relation existing between the voting body in the State and the political class than in the fact that there is at the present moment an almost universal suspicion that the amendments are not to be allowed to pass. It is not that the Democratic party is opposed to them, or that the Republican party is opposed to them, but that there are a number of persons in both parties whose private interests are opposed to their adoption; "there is money" in their rejection and there is no money in their adoption. The *Tribune*, in discussing the status of the amendments, very truly says: "The canal contractors, the lobbyists, the venal men who aspire to make merchandise of their votes at Albany, and the enemies of reform because it is reform, are not few in number, not lazy, and not unacquainted with the tricks of politics"; and it pathetically asks the various reforming bodies, among others the Chamber of Commerce and the Grocers' Board of Trade, whether they have made arrangements to have ballots in favor of the amendment ready for voters in every voting district of the State. There is something painfully suggestive in the thought of the Grocers' Board of Trade and the Chamber of Commerce being obliged at their own cost to provide the voters of a State with ballots in a regular election, because the leaders of the two parties are believed to be scheming to prevent the public from expressing their opinion. Except in the newspapers, these amendments have not been openly discussed by any political organization, so far as we know. The State conventions have carefully avoided support of them; yet every one knows that they have been discussed in secret, that managers have expressed their opinions *pro* and *con*, and that it largely depends on that expression of opinion which way the election goes. No one denies the importance of the amendments.

It is not, however, the local importance of these amendments with which we are so much concerned, as the light which their fate will throw on the condition of popular feeling throughout the country on the question of constitutional reform. We have called attention several times in these columns to the fact that we are now in the middle of what may be considered our third period of constitution-making. The first was that in which the framework of the Federal Government was devised; the second, that of the ultra-democratic constitutions, securing "responsibility to the people" by means of universal suffrage and the elective system; the third is that in which State after State, without attempting to attack the suffrage, or even generally the elective system, has sought by means of restrictions placed upon representative bodies, such as the legislatures or local municipal governments, and by means of strengthening the hands of the executive, to place checks and restraints upon those bodies whose proceedings the so-called reformers of twenty years ago made dangerous to liberty. The restraints on special legislation, and on the creation of State, county, town, and village debts, proposed now in New York, are not the devices of dreamers to effect a theoretic perfection in the machinery of government; they are the practical proposals of practical men, directed against practical abuses of the government; against that most insidious form of tyranny and oppression which springs out of corrupt license. In other States the reforms have been carried, and much good has been done. It seems, however, from the example of Ohio, and from what is now said of New York, that there is some reason for fearing that the wave of constitutional reform has spent its force. It was generally believed that the Ohio constitution was lost, not because it was not in the main a good instrument, but because of a general feeling of distrust and repugnance to any scheme of reform. In New York, notwithstanding the machinations of the politicians, the people can certainly carry the amendments, if they desire it. The question is whether they really do desire it. The Democrats are now congratulating themselves on their recent victories in the West, and with good reason. There seems no doubt that there as elsewhere a profound feeling of disgust with the Republican party has been developed. Our chance of getting something

better than the Republican party into power depends, however, very much on whether this feeling is one of blind, brutal hostility to the actual possessors of the offices, or whether it comes from a rational desire for improvement. The way in which the Ohio constitution was treated makes us rather doubtful on this point, and we shall look with much interest to see what light is thrown on the question by the fate of the amendments here. If they are lost, there is one thing quite certain, that the party which carries the State will get the credit of having defeated them.

#### THE RITUALISTIC MOVEMENT.

THE General Convention of the Protestant Episcopal Church in this country, now sitting in this city, has just passed nearly a fortnight in trying to find out whether a candidate for a bishopric was or was not tainted with the ecclesiastical disease known as "ritualism," and, is now trying to legislate formally against it. Contemporaneously with this discussion, the late Prime Minister of England has been discussing "ritualism" in a magazine, and the whole English press, including even the *Economist*, has been commenting with great solemnity on his article. In this country there has actually been a secession from the Episcopal Church on account of ritualism; and the probability of a split in the English Church through the same agency is just now a problem which occupies the minds of English politicians almost, if not quite, as fully as the question of popular education, for a split on this ground would most likely be followed closely by the disestablishment of the English Church, which would be an event of great political as well as religious importance, and the effects of which would be felt all over the world.

Mr. Gladstone's view of the movement is, that it is simply too much of a good thing, or, in other words, that in so far as it is æsthetic it is perhaps beneficial, both by associating art more closely with public worship among a race singularly unartistic in its tastes and conceptions, and by bringing that powerful means of reaching the untutored imagination, the symbol, more prominently into use, and that what is to be complained of is that it is being pushed to an extreme. There is no doubt that it was mostly æsthetic in its origin. The Tractarian uprising at Oxford in 1832 diffused among all classes a new view of the English Church, and led indirectly to a revival in church architecture and decoration. The interiors of a vast number of the English churches were restored and beautified, and a great many new and handsome ones were built, and the defacements in the shape of pews and plaster introduced by the eighteenth-century Erastians were swept away. When the churches had been restored, the clergy began, not unnaturally, to feel that their own robes were hardly in keeping with their new surroundings, and they began to look about for a good excuse for putting on more picturesque vestments. This they found in the Rubrics of the Book of Common Prayer, which prescribe "that the ornaments of the church and of the ministers thereof, at all times of their ministrations, shall be retained and be in use as they were in this Church of England, by the authority of Parliament, in the second year of King Edward VI." There were a great many strange rites and a good many strange ornaments in use in the second year of the reign of King Edward VI., and accordingly, when the young ministers had found them out, worshippers all over England saw their churches transformed before their eyes into places which, to a great many of them, were not distinguishable from what the fiery old Reformers used to call "Popish mass-houses."

This was the ritualism of Mr. Gladstone's youth, and thus far it is comprehensible enough. Since the days when he first figured as a church enthusiast it has gone a good deal further, and has become not quite comprehensible. The early Tractarians could not quite reconcile themselves to the idea that church services were nothing more than prayer, praise, and exhortation, for this put them on a level with those of a dissenting meeting-house, and de-



prived them of what was to them the essence of religious acts—mystery. And yet prayer, praise, and exhortation were all that could be made out of them unless the minister had some special function to perform in which the people could not share. So the sacrament of the Lord's Supper was gradually changed from its evangelical eighteenth-century character of a piece of pious commemoration into the miracle known in the Catholic Church as "the sacrifice of the mass," by which the priest changes the bread and wine into the real body and blood of Christ, and offers him up once more as a propitiation for sin. This point once reached, the Ritualists had what they most needed—a great mystery, on which all the services turned, and which converted the minister into a "priest," and made the congregation witnesses rather than auditors or participants, and justified almost any amount of splendor in dress or ceremonial. Nothing is more curious in the performances of the more advanced Ritualists, however, than their struggles to get rid of the last remnant of the evangelical régime—the use of the English language. There is nothing they more envy the Catholic priests than their possession for professional purposes of an unknown tongue so as to mark distinctly the exclusion of the congregation from any mental co-operation in the proceedings, and there is something almost comic in the way in which they endeavor to make the simple Liturgy of the English Church, the noblest and most impressive English perhaps which this generation ever uses, entirely unintelligible to the laity, like the Latin of the mass, by mumbling or chanting it, in an undertone, and with an outlandish pronunciation.

The movement has been greatly stimulated in England by the entrance into the church of a body of clergymen of inferior education, both social and literary, to those who were formerly supplied by the universities. The increased demand for ministers created by the growth of population, and the diminution in the supply of university men caused by the increasing attractiveness of secular pursuits and the spread of rationalistic opinion at Oxford and Cambridge, have compelled the bishops to ordain of late years large numbers of men educated anywhere and anyhow, who are called "literates," and whose zeal is apt to outrun their discretion. Their presence in the church has not only caused a very great abatement of the sober-mindedness and the love of middle courses of which "the learned and judicious Hooker" set the example, and which used to be a marked characteristic of the English clergy, but it has produced a diseased craving for the exaltation of the clerical order from which the old clergy were entirely free. In fact, sacerdotalism was kept down in the English Church by somewhat the same influences which kept down militarism in the English army. In the latter, the officers always plumed themselves a good deal more on their social than their military position; they liked better to be considered "gentlemen"—that is, members of a certain social caste—than "officers." In like manner, the clergy always shrank from becoming a class apart, and the plainer ones liked to hunt, and shoot, and dine, and be good fellows with the squires, rather than simple ghostly advisers. The new-comers have no such weaknesses. Outside their profession, they have little that entitles them to consideration, so they labor fiercely to magnify their office, and are producing in the English Church, for the first time in its history, a spirit of fierce fanaticism, which renders its relations to the state more and more perplexing.

The spread of the contagion to this country has of course nothing very surprising in it. The predisposing conditions: the sacerdotal ambition, æsthetic tastes, and deficiency of common sense—the most valuable of the regulative faculties—are found here as well as in England, and the spirit of imitation is even stronger here than in England. But it is, it seems to us, needless to fear that the movement is now really Romanizing in its tendencies. The Ritualists love liberty as much as other people, and know very well that if they once entered the Papal domain, instead of drawing goat-carts in a pleasant park, they would be put to the rudest drudgery of the farm and the quarry. Moreover, the

taste for celibacy has not yet shown itself among them, and the surrender of marriage, either actual or prospective, is a sacrifice which the great body of them are less and less disposed to make. So that the probabilities are that they will stay where they now conceive themselves to be, in a restored and purified Anglican Church, where one has all the delights of Catholicism without its restraints or discipline, and without the responsibility for the aberrations of the Italian element in the Papal Government which Catholics in all Germanic countries now find so galling.

One naturally asks, when one watches the performances of the Ritualists, how it is that this reactionary movement should achieve so much success at a moment when rationalism, under the direction of men of science, is making such serious assaults on revealed religion. But it has to be observed that the scientific men really hurt the Catholics and Ritualists less than the Evangelicals or Broad-Churchmen. It is not so much the belief in the existence of a personal God that Tyndall and Huxley shake, as the authority of the Bible, and the way they do this is by inspiring distrust of or contempt for all literary evidence as arrayed against what they call the evidence of nature. Now, Catholics and Ritualists are not seriously concerned about the authority of the Bible. They have not to do battle for the cosmogony of Moses, or the strategy of Joshua, or the morality of David and of Sisera. The Oxford Tractarians, in fact, surrendered the Bible almost at the first shot, and took their stand, as do their successors, on church tradition. They believe things because they have "always, and everywhere, and by all been believed." The Old and New Testament might go, they say, and the church still stand. It knew and taught all that needs to be taught about Christ before the New Testament existed; so that the doctors are delivered from a deal of uncomfortable warfare over the authenticity of Scriptural history and biography and geology. Then it must be remembered that scientific men, and people of a rationalistic turn generally, enormously overrate the popular thirst for pure truth, just as philosophical politicians overrate the popular desire for good government. Scientific men are very apt to suppose that people must be shocked and disabused by the failure of evidence. As a matter of fact, they are nothing of the kind. "Credo quia impossibile" describes not simply the state of mind of monks, but of a very large proportion of mankind, at least in matters pertaining to religion. As long as the faculties of wonder and awe exist, there will be a craving for a mystery to excite them. Tyndall only finds this mystery at the "boundaries of experimental evidence," but the greater portion of his fellow-men find it a long way on this side of that line, and are often even willing, in order to save them the weariness of the way, to have it, at least partially, prepared before their eyes.

#### THE DECORATIONS OF THE NEW PARIS OPERA.

PARIS, October 9, 1874.

AMONG the many monuments which will mark the era of the Second French Empire, none will deserve as much attention as the new Opera of Paris, which is seen on the boulevard des Italiens, opposite the rue de la Paix and the Vendôme Column. This building will have cost, when it is finished, fifty millions of francs at the lowest computation; it is the work of a M. Garnier, a young architect of very great merit. The façade of the Opera is built of stones and marbles of various colors; gold has been used in its ornamentation very profusely. To many people, it looks too gaudy; its proportions have also been much criticised; but the details are very fine, and there is much beauty and grandeur on the two sides of the Opera where common stone has been used. The conception of the whole is altogether very original, and would be judged to better advantage if unfortunately the gigantic Opera was not on too low ground, and surrounded with enormous hotels which tend to diminish its size. On a slight elevation, the Opera would, with its immense Apollo on the highest point of the rotunda, look like a temple of art.

I will not speak to-day of the architecture of the Opera, but simply of the series of pictures which are to decorate its great foyer. These pictures, which number as many as thirty-three, most of them of enormous size, are the work of M. Baudry, who has spent the last five years in working at them without intermission. His studio was in the Opera building itself while it

was in process of construction. I sometimes paid him a visit through the wilderness of stones and ladders; he lived almost like a monk in his convent, and often had his breakfast brought to him from a neighboring restaurant. He devoted himself completely to his gigantic task. Baudry had spent five years in Rome before his reputation began: one, I believe, of his first works when he returned to Paris was the decoration of a ceiling of the hôtel of M. Fould, who was then Minister of State. This hôtel now belongs to the Duc d'Aumale, who bought it on his return to France. The whole manner of Baudry is already to be found in this charming ceiling, where the only figures are children, with various attributes in their hands. These children are on an azure ground: they are not the fat Cupids of the Boucher school, with their folded muscles, their perpetual smiles, and their fat cheeks; they are young *ephebi*, no longer children and not yet men, admirably adapted for the expression of masculine strength and beauty. What struck me most when I saw these pictures of Baudry's for the first time, was the deep Italian feeling which pervaded them; they reminded me forcibly of the pictures of that happy era of art when Raphael made the decorations of the Farnesina. But when I visited the studio of Baudry, in the upper part of the new Opera, I saw that he had aimed at the very highest point of art. Here were on all sides magnificent copies of the Sybils of the Sistine Chapel, and of the colossal figures of that almost superhuman work of Michael Angelo. These copies were the chief work of Baudry while he was in Rome; they are studies rather than copies, and would form by themselves a collection worthy of any museum.

How was it that with a genius naturally drawn to grace and elegance, as was shown in Baudry's first pictures and portraits, he gave himself up wholly to the pensive and sombre genius of Michael Angelo? He lived in the Sistine Chapel, he studied the powerful lines, the strange coloring of the great scenes taken from the Bible. And when he felt that he had identified himself to a certain extent with the ideas and the modes of working of Michael Angelo, when the time came to create something of his own, the irony of fate had nothing better to offer him than the decoration of an Opera. Such decorations must perforce be allegories, and almost all allegories have one terrible defect: they need explanation and interpretation. The great advantage of religious subjects, besides their elevating influence on the mind, is their transparency, their simplicity. They speak to the child as well as to the old man; to the most illiterate as well as to the most cultured persons. Go to Monreale in Sicily, to St. Marc in Venice, to all the churches in the world, you will find everywhere the great and familiar images which are, so to speak, the moulds of our mind, the forms of our ideal. It is not so with allegories: most allegorical pictures are incomprehensible, and they are all the more so the more deeply the artist has gone into his subject. If he happens to be a scholar, well versed in the 'Metamorphoses' of Ovid, in the old classics, then the allegory becomes so complex and archaic that it is to most minds a mere riddle. Baudry has not completely avoided this danger; he knows too much for a painter, as the public after all wants very simple subjects, with beautiful forms and fine colors. Raphael was quite right when he made so many Madonnas; the repentance of Magdalen will always be a favorite subject. The pictures of the Stauze are already a little complex; the Dispute of the Holy Sacrament, the Miracle of Bolsena, require a word of explanation; so does the School of Athens; but as soon as the subject is understood, how very simple and easy you find all its developments. In the Sistine Chapel, all is clear. I know that some critics have tried to build extraordinary theories on the arrangement of some figures and subjects in the great work of Michael Angelo; I believe that they have, as the French say, *cherché midi à quatorze heures*. If the Sybils are mixed with the prophets, there is nothing extraordinary or new in this combination; you will find it in all the Christian churches of the Renaissance; tradition gave the old Sybils a place among the prophetic minds, and everybody knows how long the memory of Aristotle was linked with the teachings of the Church.

I will first notice two series of figures in the great work of Baudry, because in my opinion they are the best. The first consists of eight colossal Muses, which will fill eight great panels. You must not look here for the sublime expression of the Sybils, with their features as hard as destiny, their eyes looking into futurity; but the free attitudes of the Muses, and their draperies, with bold and large folds, their simplicity, are a happy reminiscence of the pictures of the Sistine Chapel. The faces, alas! are a little too modern, too fashionable, if I might use the word; but some are charming in their way. They are pretty Parisiennes, and might dress at Worth's if they left off their long tunics and their peplums. The rules of symmetry have excluded one of the nine Muses, and Baudry sacrificed the Muse of Memory, Polyhymnia, for reasons which he has not confided to me. Urania, the Muse of Astronomy, is one of the most striking—very different from the famous Astronomy of Raphael in the Stanze.

The series of the boys, if you will allow me the expression, is also very

remarkable; groups of young *ephebi* personate the national music of the world. They are completely naked and in the most various attitudes. The anatomy of these fine juvenile bodies is most beautiful, and there is a delightful variety in these figures, which are all on a blue ground. Germania, for instance, represented by a young angel, plays on an organ, and is looking towards heaven; next to the young organist is another angel playing the theorbo. France is represented in this series of medallions by a martial trumpeter and a young drummer; Britain's instruments are the harp and the bagpipe; Italy has the violin, and so on. There are ten such medallions, and once in place they will form a sort of azure and heavenly zone in the system of the decoration.

I am not so enthusiastic over the huge complicated pictures which will complete this decoration. The great central ceiling represents the meeting of Harmony and of Melody, an appropriate subject for the Opera; about these two beautiful girls fly Glory with her trumpet and Poetry with her golden crown, on the winged horse Pegasus. The most beautiful part of this enormous picture is the border, formed by a painted balcony which supports a variety of young Genii, naked boys in the most diversified attitudes, surrounded with flowers and birds. I do not much like the two pictures representing Tragedy and Comedy; they are altogether too complicated. Who could recognize, without a long explanation, Melpomene on the sacred tripod with an eagle at her feet, Fear, Pity, and Fury? Baudry has varied the attitudes as much as Michael Angelo. His Fury, with torch in hand, falls head foremost. There is the same painful complication in the picture of Comedy. A faun falls down on the head of a spectator, and Thalia brandishes her rod over him; Wit throws a dart at him; and Love laughs over the whole scene.

These three pictures form the ceiling proper; on the vaults which will unite the ceiling to the wall are to be twelve large pictures; the Muses and the medallions will cover the wall. I have not spoken yet of the twelve pictures of the vaults. These have offered great difficulties to Baudry, on account of the laws of perspective. Some of these pictures are very fine. There is not much difficulty in understanding the Judgment of Paris; it is one of those happy subjects which have tempted many painters; and it is no small praise to say that Baudry has treated it in an original manner. I prefer his Paris and Mercury to the goddesses. Paris is particularly fine; he is in a meditative attitude, and the lines of his body have a wonderful nobility. There are also beautiful forms in "The Shepherds." The scene is in Sicily; young men are disputing the prize of pastoral music; a young woman is milking a sheep to make a libation to the gods. She is drawn in the best style of art. I cannot describe all the subjects. The Parnassus is an immense composition; there is another called "The Poets," with Homer in the centre. Marsyas, who defied Apollo, and played on the rustic flute better than the angry god, is on the point of being flayed. A group of soldiers, under the leadership of Bellona, are led by musicians to an assault. David plays on the harp before Saul. Saint Cecilia is asleep and dreams of heavenly concerts; angels play round her. Orpheus and Eurydice are preparing to leave the dark domains of Pluto. The Corybantes dance round the infant Jupiter with their cymbals. The Menads tear Orpheus to pieces and dance wildly round him. Salome dances before King Herod.

The impression left by this gigantic work is on the whole one of great satisfaction. There are hundreds of naked figures, and there is nothing indecent or immodest. You receive a sensation of beauty, of force, of vigor; the imagination is drawn into a noble sphere. The coloring is much criticised, but by people who are more accustomed to oil-painting than to frescoes. Baudry has tried to imitate in oil the tones of the Italian frescoes, and he has done it successfully. It requires some education of the eye to enjoy fresco-painting; but the *ton* of the fresco is much better suited to the decoration of palaces, especially of the lofty vaults, than the darker *ton* of oil-painting. I will say one word more only: Those who will not be able to admire Baudry's pictures at the Opera, will do well to look at the magnificent photographs which Goupil has taken of what must be called the greatest work of the modern French school.

## Correspondence.

### HOW WILL THE UNITED STATES SUPREME COURT DECIDE THE GRANGER RAILROAD CASES?

TO THE EDITOR OF THE NATION:

SIR: Your recent article entitled "The Right to Confiscate," strong as it is, might have been stronger by extension, as I propose to show. When Frederic the Great proposed to take away the Mill from the old miller at Potsdam, the latter told the monarch he could not take it, no matter how



much he desired it, "for," said he, "there are now judges in Berlin." In the appeal which the railroad companies of Wisconsin have made to the United States Supreme Court against the assumption of a right on the part of a legislative body to confiscate corporate rights and corporate property at their own will and pleasure and without making compensation, the case of the old miller and Frederic the Great to a certain extent repeats itself. The matter at issue in both cases is the same—namely, an attempt on the part of sovereignty to take advantage of its power to work an act of arbitrary oppression and tyranny; and the question of present interest is, Will the attempt fail, in the latter as in the former case, because there are judges in Washington as there were in Berlin, before whom sovereignty itself, whether limited or absolute, will not be allowed to work injustice? Reviewing the case from a strictly legal standpoint, and in the light of legal decisions, which thus far, in the public prints at least, have been apparently overlooked, the question, although not passed upon specifically, would nevertheless seem to be decided in the affirmative, and in fact for the following reasons to have become in the nature of a *res adjudicata*.

Thus, in the first place, it may be considered as adjudicated that a charter is an executed contract, the language of the United States Supreme Court in the case of the Holyoke Company v. Lyman (15 Wallace, p. 511) being as follows: "Charters of private corporations duly accepted, it must be admitted, are executed contracts, but the different provisions, unless they are clear, unambiguous, and free of doubt, are subject to construction, and their true intent and meaning must be ascertained by the same rules of interpretation as other legislative grants."

Second. This point the most determined advocate of the policy of the Wisconsin Legislature may freely concede, but at the same time answer, that the fact that the constitution of the State provided, previous to the granting of the railroad charters in question, that the State might at any time alter and amend them, renders the judgment of the court above cited inapplicable. We are, therefore, brought to the next consideration, namely, How are charters in all their provisions to be interpreted which, by State constitutions, are made subject to alterations and amendments?

Charters being conceded to be executed contracts, this question would seem to have been fully answered and decided some years since by the Supreme Court of one of the Granger States (Minnesota) in the case of Goener v. Schroeder (8 Minn., p. 307), in which the court held that a statute giving a subsequent legislature the power to change, impair, or modify a contract *inter partes*, which is valid when made, is not law, and therefore does not enter into the contract. In this case the legislature gave a mortgage a specified time (fifteen months) to redeem mortgaged premises, or such other extended time as the legislature might thereafter designate, and a subsequent legislature did extend such period of redemption. But the court held that the extension could not be enforced in reference to a mortgage made previous to the subsequent enactment of extension. Judge Story, writing upon the same point ('Story on the Constitution,' vol. ii., p. 275), also uses language as if he had a question involved in the Wisconsin cases directly before him, for he says, "that if we adopt the principle that a State may enact laws that all subsequent contracts shall be subject to be impaired by subsequent legislative action, the constitutional provision against impairing contracts will be nugatory." This reasoning of Judge Story would, therefore, seem to be conclusive against the power of a State to alter and amend contracts which are legal and valid when made; and the Minnesota case and the reasoning of Judge Story conjointly would also seem to make it clear that Granger legislation regulating freights and fares of railroads will be only applicable to railroads or parts of railroads constructed subsequently to such enactments, and cannot apply to any roads or parts of roads previously built where rights have become vested rights and contracts have become executed contracts.

Third. Independent, however, of this reasoning, it is obvious that a conceded power to alter and amend given in one provision of a grant cannot be construed in such a manner as to destroy the entire grant or charter, or the evident intent or whole scope and purpose of such grant. It is a familiar principle of law that in a deed or grant of real estate all reservations inconsistent with this grant are null and void. A grant or conveyance of land, for example, coupled with a provision or reservation that the grantees shall not sell or lease the land, is good as a grant, but the reservation is interpreted to be inconsistent with the grant, and therefore void, for the reason that the right to sell or lease is an attribute of ownership, without which ownership cannot exist. It is a matter also, not only of law but of common sense, that a reservation in a grant or charter cannot be greater than the grant itself, or override the obvious intent of the grant. The rights of property exist irrespective of any charter. The right to collect remunerative tolls or fares is not a prerogative right, but a natural and common-law right. It is the natural right of all common carriers arising from the natural right of such

persons to receive and collect remuneration for services rendered. Prerogative rights, on the other hand, granted under a charter, are rights which do not accrue to natural persons, but are such rights as are peculiarly given by legislators to corporations: as the right to a common seal, the right to sue and be sued collectively, the right of exemption from personal liability of stockholders for corporate debts, and the like. It follows, then, that the limitation or reservation of powers under a charter can only limit the prerogative rights that have been specially granted, and empower such legislation only as is not hostile to but promotive of the objects of the grant and the interests of the corporators or stockholders.

It is to be presumed that the framers of constitutions or the makers of laws, in authorizing or creating corporations, contemplate that the objects of the corporation shall be consummated. The constitution of Wisconsin authorizing railroad charters must be construed to authorize the construction and operation of railroads for remuneration; for otherwise no such corporations would have been formed or any railroads built—and this is the construction which the legislatures of Wisconsin, moreover, have always heretofore recognized, in granting to railroads charters whereby they are authorized to establish their own freights and fares. Now, can a legislature under such grants change the object and purpose of a charter? Can a legislature change a railroad, chartered for the purpose of transporting passengers and freight for remuneration, into a great private pauper Grangers' association, or charity, for gratuitous rides and transportation; and this, too, not for the benefit of the State at large or for a strictly public purpose, but for the exclusive benefit of private parties living in immediate proximity to the road—thus converting a railroad into a private or local charity, to the manifest injury of other localities in the State which do not participate in such benefits or discriminations? Was it the object of the corporation to construct a free railroad and give every man a free ride? Nearly all the churches in the country are organized under charters by special or general laws, subject to legislative alteration or amendment. Will it be assumed that a legislature, in consequence of such reservation, can regulate the pew-rents of such churches and the salaries of the pastors; or change a Catholic church into a Jewish synagogue, or put a Unitarian clergyman into a Trinitarian pulpit? Can a State for public purposes use the property of chartered churches without compensation? Can benevolent institutions founded under charters (with reserved rights to alter and amend), for the benefit of particular religious sects, be changed so as to become the instrumentalities for benefiting other religious denominations not approved of by the founder? Would not the logical results of the Granger doctrine—i.e., the right of a legislature to alter and amend charters to an extent capable of defeating the original object—warrant an interference with all the religious and benevolent institutions of the land at the will of legislators, in case religious bigotry and intolerance should ever reassert itself as in past ages? But the interference with the administration of a given religious denomination to the extent of changing its faith and purposes is not a more radical change than the diversion of a railroad from the purpose of remunerating its stockholders to the becoming a benevolent free railroad. Or, to take a different class of illustrations, can a legislature, under the reserved right to alter and amend (coupled, if you will, with the plea of paramount public good), regulate or establish the prices of the manufactured products of chartered manufacturing corporations? Can it regulate the advertising rates or subscription prices of the New York Tribune, World, Times, Journal of Commerce, or other like incorporated newspaper companies, on the plea that these journals are monopolies, and that their stock is unreasonably remunerative? Can it divert the waters of a chartered mill, without making due compensation for such diversion? And yet wherein is the difference between arbitrarily diverting or abating streams which have been gathered up and forced to flow in particular channels at great expense, for the purpose of propelling machinery to spin and to weave, and arbitrarily reducing the freights and fares of a railroad; for are not the latter, equally with the former, streams which propel the machinery, and which have not only got to flow, but flow in sufficient quantity to prevent the railroad and mill machinery alike from becoming useless or unprofitable?

But upon all the points here suggested the United States Supreme Court has already given unmistakable evidence of its opinion, and thus clearly indicated what is likely to be its decision in the railroad cases under consideration. The opinion thus referred to, and which thus far does not seem to have attracted public attention, will be found in the 15th of Wallace, p. 498, Miller v. the State; and the language embodying the opinion is as follows:

"Power to legislate, founded upon such a reservation in a charter to a private corporation, is certainly not without limit, and it may well be admitted that it cannot be exercised to take away or destroy rights acquired by virtue of such a charter, and which, by a legitimate use of the power

granted, have become vested in the corporation; but it may be safely affirmed that the reserved power may be exercised, and to almost any extent, to carry into effect the original purposes of the grant, or to secure the due administration of its affairs, so as to protect the rights of the stockholders and of creditors, and for the proper disposition of the assets." Such a reservation, it is held, will not warrant the legislature in passing laws to change the control of an institution from one religious sect to another, or to divert the funds of the donors to any new use inconsistent with the intent and purpose of its charter, or to compel subscribers to the stock, whose subscription is conditional, to waive any of the conditions of the contract."†

This language of the Supreme Court, therefore, seems to establish the position that changing a remunerative railroad corporation into a benevolent railroad corporation, or changing a Catholic corporation into an Episcopal one or changing a church corporation into a race-course or lottery corporation, is not an alteration or amendment of a charter, but the creation of a new corporation for new purposes. There can be no objection to creating corporations to afford free rides, or free freights, or cheaper fares and freights than now prevail. But can a legislature compel persons to become corporators or participants in these new benevolent enterprises? Again, benevolent enterprises, chartered *de novo*, usually exempt the corporators from any personal liability; but corporations instituted originally for affording remuneration to stockholders, and then made benevolent institutions against the will or purpose of the corporators, may entail upon the stockholders a personal liability in addition to the loss of all their corporate property; as, for example, in Minnesota, whose constitution provides that all stockholders in corporations shall be personally liable to the amount of their stock; and, if there is no repeal of the law of imprisonment for debt in Minnesota, they might also be incarcerated for the benefit of a benevolent institution established in direct opposition to their wishes.

Fourth. It is also pertinent there to allude briefly to the application and bearing of the Fourteenth Amendment of the Constitution of the United States on this question.

The logical result of the recent Granger railroad legislation is, that the stockholders in railroads are not the owners of the roads; but, on the contrary, that the roads are the creatures of the State legislatures, and that of necessity the creator must, under all circumstances, be paramount to and capable of controlling the creature. Railroads are, however, notwithstanding this supposition, the creation of labor and capital. These have been contributed by the stockholders and not by the legislators or the public. Whoever has made these contributions, therefore, owns or ought to own the roads, and has alone the right to exercise and enjoy the attributes of ownership, one of the chief of which is the right to prescribe rates of freight and fare. An assumption of right on the part of a legislature to fix arbitrarily rates of freight and fare which are not remunerative is therefore an assumption of ownership, or the appropriation of private property, without rendering an equivalent. Furthermore, an agreement by all parties concerned to permit such property to be appropriated without consideration is null and void, inasmuch as it is not a contract in any constitutional or judicial sense, and therefore cannot be enforced by any process of law, by which alone, according to the Fourteenth Amendment, can any citizen be deprived of life, liberty, or property. And what consideration has the State of Wisconsin given for the assumed right to appropriate a railroad from the very moment that its construction has been completed?

Before the adoption of the Fourteenth Amendment there was no provision in the Constitution of the United States which could restrain any State of the Union, if it saw fit, from seizing and appropriating the property of any of its citizens without making compensation; a point which was made the subject of a decision in the Supreme Court of the United States in 1833, in the case of *Baron v. the Mayor of Baltimore* (7 Peters, 243). In this case, the city of Baltimore, in the exercise of its corporate authority over its harbor, so diverted certain streams of water that they made deposits of sand and gravel near the plaintiff's wharf, and thereby prevented the access of vessels to it. A writ of error was taken from the judgment of the Maryland Court of Appeals, refusing damages, to the Supreme Court of the United States, on the ground that this decision violated the Fifth Amendment to the Constitution of the United States, which prohibits the taking of private property for public use without just compensation; the plaintiff further contending "that this amendment, being in favor of the liberty of the citizens, ought to be so construed as to restrain the legislative power of a State as well as that of the United States." The court, however, by Chief-Justice Marshall, held that this Amendment to the Constitution "is intended solely as a limitation on the exercise of power by the Government of the United States, and is not applicable to the legislation of the States"; which was

equivalent to saying, that if the several States chose arbitrarily to take or confiscate the property of any of their citizens, there was no higher sovereignty to restrain them. But since the adoption of the Fourteenth Amendment, which provides that no State shall deprive any person of life, liberty, or property without due process of law, a State legislature has no power arbitrarily to assume ownership or exercise the attributes of ownership over property which it does not own or possess; it having been well settled by both the United States Supreme Court and the highest State courts, that a legislative act appropriating, injuring, or destroying private property, without compensation, is not "due process of law." (*Murray v. Lessee v. Hoboken Land and Improvement Co.*, 18 How., 272; *Taylor v. Porter*, 4 Hill, 140.) And in the case of *Bartemeyer v. Iowa* (18 Wallace, 133), the Supreme Court of the United States seems not only to recognize the direct force and effect of this amendment in respect to the taking of property, but also the conclusion that indirectly but inevitably follows: that any arbitrary interference with the right of any person to use and enjoy property is equivalent to the arbitrary taking of the property itself—thus confirming the case of *Wynehamer v. The People* (3 Kernan, 466), in which the New York Court of Appeals, after defining property to be the rights of an owner to possess, use, enjoy, and dispose of a thing, logically added that whatever subverts such rights annihilates property to an owner, even though, as a chattel, the property has neither been seized, nor physically destroyed, nor even diverted from his possession. Therefore, the Fourteenth Amendment, as soon as adopted, became a direct prohibition against the hostile legislation recently adopted by Western States towards railroad property.

To recapitulate, therefore: A charter is an executed contract, and cannot be impaired by any legislation that is hostile to the purposes of the grant; nor can the ownership of the stockholders in a road be arbitrarily invaded by changing the clear objects and purposes of the grant, nor by any assumption of power on the part of a legislature which is tantamount to the exercise of ownership, without a violation of that clause of the Fourteenth Amendment before quoted, which is copied from the Magna Charta; and without equally violating the same principle embodied in the commandment from which Magna Charta and the Fourteenth Amendment alike derive their force, viz., "THOU SHALT NOT STEAL."

DAVID A. WELLS.

## Notes.

AT the late Woman's Congress in Chicago, the discussion of improved methods of wearing the present female costume excited a great deal of genuine interest. We observe that the Ladies' Dress Reform Association of Boston has employed Mrs. A. G. Woolson to edit a work on this subject, of which Roberts Bros. will be the publishers.—Lafayette College has just received, as a gift from the Swedish Administration of the Iron Office, a complete collection of the iron ores of Sweden; a duplicate of one given some years since to the Royal School of Mines in England.—An association for the spread of free-trade doctrines has been founded in Florence, under the title of *Società Adamo Smith*. It embraces a large number of professors of political economy in the various universities of Italy, and not a few senators and deputies of the kingdom.—We have received from B. Westermann & Co. Vol. I., Part 8, and Vol. II., Parts 6 and 7, of 'Ritter's Geographisch-statistisches Lexikon'; Parts 21 and 22 of 'Stieler's Hand-Atlas,' whose contents have already been described; No. 25 of the third series of Westermann's illustrated *Monatshefte* (published at Brunswick), in which the most noticeable article is one on Carlyle by Julian Schmidt; and the first number of the *Deutsche Rundschau*, of which we shall speak presently.—A brief and authentic account of the origin of the names of the several States and Territories in this Union is to be undertaken by a committee of the American Antiquarian Society, consisting of Rev. E. E. Hale, Hon. J. Hammond Trumbull, Rev. H. M. Dexter, Rev. George E. Ellis, and Hon. P. C. Bacon.—A handsome catalogue of the Montpensier Collection and of other pictures loaned at this time to the Boston Museum of Fine Arts, has been published. A frontispiece we take to be a heliotype copy of Murillo's "Vierge aux Langes." The *Athenæum*, overlooking the ownership of these paintings, alludes to them as if they belonged to the Museum, and were the rather worthless beginning of its collections.—Harper & Bros. have just published the eighth edition of Mill's 'System of Logic.'—A timely map of Formosa is given in the October number of the *Geographical Magazine* (John Wiley & Son), together with a map of the Dominion boundary from the Lake of the Woods to 107° W., illustrating Captain Anderson's paper on the Boundary Survey read before the British Association. A sketch-map in the text shows the route and discoveries of the Payer and

† *Commonwealth v. Essex Co.*, 13 Grav., 253; *Miller v. Railroad Co.*, 21 Barbour, 517.  
 ‡ *Railroad Co. v. Veaz*, 39 Mass., 281; *State v. Adams*, 44 Missouri, 250; *Zabrieke v. Railroad Co.*, 30 E. Green, 180; *Sage v. Dillard*, 15 R. Munroe, 257.



Weyprecht Polar expedition. The best map of Hayti that we have yet encountered is published in Petermann's *Mittheilungen* for Aug. 26 (L. W. Schmidt).—'Epochs of American History' is announced by Estes & Lauriat, Boston. The work will be in five parts at a dollar each.—Richmond & Patten, New Haven, will publish 'Honest John Vane,' by J. W. De Forest; and 'Thoughts on School and College Education,' by President Noah Porter.—A Life of the late Rev. Dr. Ezra Gannett, by his son, Rev. William C. Gannett, is to appear in December, with the imprint of Roberts Bros.

—Mr. Charles Lanman has addressed a memorial to Congress, in which he asks compensation for Government infringement of his copyright in his well-known 'Dictionary of Congress.' The infringement is of long standing, having occurred in 1867, after three editions of the Dictionary had been issued, by order of Congress, at the public expense (for which the author received as a royalty one dollar per copy). This mode of publishing having been discontinued by Congress, and Mr. Lanman having declined an offer to dispose of his copyright to the Government for \$50,000, the official *Congressional Directory* in 1867 began to adopt "almost literally" his plan of giving biographical sketches, which it had never before undertaken to do. We do not understand that Mr. Lanman's biographies were bodily appropriated, though he seems to imply that something approaching this was done. The grievance lies, of course, and it seems to be sufficient to call for redress, in borrowing the idea which constituted the chief value of the Dictionary, and alone made the copyright worth taking out. As these facts must be easily susceptible of proof, and as Mr. Lanman states that his private publishing of the Dictionary since 1867 has been unprofitable, we should expect Congress to admit his claim for damages, or to accept his alternative and at last purchase the copyright.

—A neat volume of about 150 pages, published by vote of the town of West Springfield, Mass., contains an account of the centennial celebration which took place there on March 25 of the present year. It contains the excellent historical discourse delivered on the occasion by the Rev. Thos. E. Vermilye, the poem read by Mrs. Ellen P. Champion, and the sayings and doings of various other persons in the Town Hall and at the subsequent dinner. An appendix gathers up the letters received and reminiscences contributed, together with the several acts of incorporation, lists of town officers, genealogies of the leading families, etc., etc. Four of these families are immortalized in the following doggerel, in vogue a hundred years ago:

"What time o' dee?" says Walter Cooley;  
'Eleven o'clock,' says Judah Baggs;  
'Time to repent,' says Parson Lathrop;  
'Time enough yet,' says Heman Day.

The Baggs still flourish in West Springfield, one of them, Mr. J. N. Baggs, being the compiler of this memorial, in which Parson Lathrop's portrait serves as a frontispiece. The two churches in which this minister officiated are figured in woodcuts, the first being a veritable architectural curiosity; and there are cuts also of the primitive school-house and the first town-hall, and, quite as worthy as the rest, the old elm in Shad Lane, which the procrustinating Heman Day shouldered and set out on his twenty-first birthday, January 27, 1776. The present girth of this noble tree, at three feet from the ground, is 24½ feet. In 1829, according to Mr. George B. Emerson, it was 18 feet, and the rate of growth which he then calculated for it was four inches in circumference per annum. Since that time the rate has been less than two inches per annum. The full age of this elm is now about 110 years. The West Springfield family which has made the most noise in the world is that of Wade, "Honest Ben Wade" being the one great man whom the town can honor as a mother her son. He was, as we learn here, the youngest child but one of James Wade, a shoemaker and common soldier, who fought in the battles of Lexington and Bunker Hill, and was a long time a prisoner at Halifax—a good pedigree. West Springfield was originally part of Springfield, and became a distinctly incorporated town in 1774—the event celebrated. In 1790, it had the largest population of any town in (old) Hampshire County, and till 1810-1820 it still surpassed Springfield in this respect. Its territory has been divided off, so that more than one-half of it has gone to Holyoke and Agawam; and the farming district which is left numbers scarcely more inhabitants than in 1790 (2,606 now, 2,367 then). Its history has been a quiet one. It was one of the centres of the Shay insurrection, "a large force of the insurgents being collected here under Luke Day, who gave," says Dr. Vermilye, "the most complete description of a demagogue I have ever heard: 'I will do as I please, and other people must do as I say.'"

—The late Dr. Nathaniel Bradstreet Shurtleff, who died in Boston on the 17th instant, and whose loss has been markedly felt in his native city, was, for his generation at least, more nearly a typical Bostonian than any public

character that could be mentioned. He had certainly none of that snobbish exclusiveness which is considered by novelists not to the manner born the mint-mark of the genuine Bostonian; nor did he represent, on the other hand, that radicalism, social and political, which with equal accuracy is identified with Boston. In politics he was a conservative; in his daily intercourse with his fellow-men, in affability and accessibility, in the absence of all pretence, he was thoroughly democratic. He was born in 1810, at the "North End" of the town, and it is said that he had six paternal ancestors in the *Mayflower*, not to speak of the Puritan blood also which came to him through his mother. He graduated at Harvard College in 1831, in the same class with Wendell Phillips and John Lothrop Motley. Shortly after his entrance upon the practice of medicine, and close upon his marriage, he took up his residence on Beacon Street, where he lived for forty years, and long after the encroachments of business had made the location an undesirable one. For three years, 1868-70, he was mayor of the city. This, it must be allowed, was a fairly typical Boston career. The traits for which Dr. Shurtleff was eminent were his devotion to historical pursuits, his public spirit, and his active participation in all those institutions and measures which have secured for Boston, above any other American city, a consistent, rational, and homogeneous development. His presence (not his words, for he was an indifferent speech-maker, and preferred to be silent) was as necessary in the celebration of any local event as that of the mayor himself. His industry was untiring, and he was most generous in sharing the fruit of his studies. He was for a great many years a school-committeeman, secretary of the Board of Overseers of Harvard College, trustee of the Boston Public Library, and member of a score of learned societies. His literary works embraced a 'Topographical Description of Boston,' several genealogies, an 'Epitome of Phrenology,' a 'Perpetual Calendar for Old and New Style,' and, as editor, the 'Records of Massachusetts Bay,' in 6 vols., the 'Records of New Plymouth,' 12 vols., and the 'General Court Records.'

—"The Question of Races in the United States" was the subject of a paper by Dr. Joseph P. Thompson, formerly of this city, now of Berlin, read before the Association for the Promotion of Social Science at Glasgow during the present month. Dr. Thompson has actively employed his time while abroad in seeking to spread just conceptions of the character of his countrymen and the real nature of the present phase of American politics. This, his latest utterance on home affairs, indulges in some well-founded speculations on the influence of our foreign population upon the future of the race and of the country, but more especially discusses the existing relations of black and white Americans at the South, and the dangers which seem to menace us on account of them. In the material condition of the South, so far as it is not affected by politics—for instance, in the increased production of cotton—he finds evidence of steady improvement, and concludes of course that "if the political element of the problem could be withdrawn, the so-called 'conflict of races' would be greatly modified, if, indeed, it would not wholly cease." Fusion through amalgamation, as in the case of the foreign immigrants, he considers quite improbable, and without precedent on a large scale in so marked a contrast of color. Regarding, therefore, the facts as they are, he offers four suggestions for relieving the pressing difficulties of the South which have grown out of the misrule and oppression attendant upon the necessary policy of enfranchising the ignorant blacks. One is that the Government stop interfering by legislation or otherwise on behalf of the negro as such, and confine itself to keeping the peace when duly invoked. Another is that the blacks be taught that they must depend on themselves. A third, that the whites, by doing justice to the negro in all their actions, remove all suspicion and apprehension from his mind. The fourth suggestion is the most novel and ingenious, but will, we fear, be deemed impracticable. It is nothing less than that "blacks and whites of competent intelligence have the courage to accept the penalty of the Fourteenth Amendment of the Constitution, and to disfranchise themselves for the National Congress for the sake of securing good government at home." This is to be done by fixing a standard of intelligence and character for the privilege of the suffrage—reversing, in other words, the almost uniform tendency of our democracy for half a century. "To show their honesty and impartiality in such an educational test, the whites should agree to elect to office a fair proportion of blacks who already meet the test, and to admit all persons to vote as fast as they reach the standard, at the same time making education compulsory. Many a white man at the South would be disfranchised by the same rule." A convention of native Southerners to consider such a reform as this, which could not fail, if carried out, to react upon the North, would form an epoch in the history of the Republic, and offer the highest possible contrast to the late wretched gathering at Chattanooga.

—The respect once entertained in this country for the quarterly reviews of Great Britain received a rude shock from their views of our civil war, it

being difficult to believe that such blunders as they made could be due to pure ignorance. But the July number of the *Edinburgh Review* contains a piece of astronomical history which, in the number and extraordinary character of its blunders, almost rivals the celebrated article on our finances which appeared in *Blackwood* some seven years ago. The writer has forgotten, if he ever knew, that gravitation acts as the inverse square of the distance, and describes it as inversely proportional to the distance itself—a statement which might pass as a single slip of the pen were it not that he enters into a calculation to prove his proposition from the motion of the moon; and, making a blunder in his calculations, brings out a result to agree with the new theory. He then proceeds to inform us that the largest “irregularity” in the moon’s motion, and the first one discovered, was the “evection,” that Tycho Brahe discovered the “parallactic inequality” and the “annual equation,” that an inequality of two hundred and forty-three years was found by Airy, was traced by Hansen to the action of Venus, and is now received as real, while another of two hundred and seventy-three years found by Hansen is considered doubtful—propositions every one of which is incorrect, either in whole or in part. The only one which has anything in its favor is the discovery of the annual inequality by Tycho. It was indeed shown by his observations, but Flamsteed was the first to indicate its real nature.

—In the *Polybiblion* for September we find mention of a number of recent French works to which the attention of our readers also may well be directed. M. Taxile Delord’s ‘History of the Second Empire’ has now reached its fifth volume, which opens with the year 1867 and ends with the dismissal of Rouher, the formation of the Ollivier ministry, and Napoleon’s concession, delusive and short-lived, of new liberties to France. One of the most curious revelations is that concerning M. Villemessant’s secret connection with Rochefort’s *Lanterne*, while all the time professing in the *Figaro* to be one of the conservative supporters of the Government. ‘The Relations of the Family and of Education to the State of Society in France’ is the title of a work by M. Henri Baudrillart, who enumerates among the causes of the present social demoralization the novel theories about the equality of the sexes and the emancipation of woman. Count Gasparin, however, in his ‘L’Ennemi de la Famille,’ insists that the greatest enemy of the family is the Catholic Church; a thesis which naturally does not find favor with the *Polybiblion*. The family is also the subject of the second volume of Baron de Portal’s ‘Politique des lois civiles, ou Science des législations comparées,’ in which it is urged that the family should be cherished as the counterpoise of the democratic tendency to foster individualism and civic egoism. A critique of ‘The Old Faith and the New,’ from the Hegelian standpoint, has been published in French (‘Strauss: l’Ancienne et la nouvelle Foi’), by Professor Vera, of Naples. M. Gaston Fougère’s ‘Study of the Life and Works of Erasmus’ receives high praise. The epistles of Erasmus have been most diligently used by his biographer, who styles him, not inaptly, the Voltaire of the Renaissance. In a bibliographical note the author gives a valuable chronological list of works pertaining to his subject, from 1527 to 1873. An English poet has found a discriminating admirer in M. Léon Boucher, whose ‘William Cowper, sa correspondance et ses poésies’ has commended itself to the Paris Faculty of Letters. A work which has been judiciously preserved from dulness by means of anecdotes, citations, etc., is Tell’s ‘French Grammarians,’ from the beginning of grammar in France down to the latest productions. It undertakes nothing less than the careful analysis of from four to five hundred different works, dating back as far as 1520. A bibliophile who adopts the pseudonym of Louis Dangeau, and whose library he asserts to consist of but one author—Montesquieu—has used his complete collection of the works of this author, in all editions, to prepare a bibliography, of which only a hundred copies have been printed. Each edition mentioned is accompanied by a note upon its character and value. M. Dangeau announces that the descendants of Montesquieu’s youngest daughter are about to give to the light his hitherto unpublished productions; and that he himself will shortly edit a complete edition of Montesquieu’s works, no doubt in such a manner as to discourage any subsequent attempt in this direction. ‘The Normans in Canada,’ by M. Gosselin, is the result of researches among the archives of the native city of La Salle. M. Bonnange’s ‘Projet d’un Catalogue universel des productions intellectuelles’ has been put in practice in several of the Government offices in France, and has won a warm eulogium from Littré. We judge it to be the system of card catalogues now and for many years past adopted in all our great libraries.

—The first number of the German *Revue des Deux Mondes* bears a general outward resemblance to its model, but maintains a Teutonic individuality, nevertheless, in its title—“*Rundschau*” being substituted for the Gallic “*Revue*”—and in its print, which is German and not Roman text. When we come to compare its contents with those of the French fortnightly for October 1, we must certainly award the palm of scholarship and literary excellence to the latter. It seems as if anxiety to escape the dreaded

charge of too much *Gründlichkeit* in the new monthly prompted the choice of the first articles, and led to a very marked preponderance of light reading matter. To Berthold Auerbach was assigned the honor of furnishing the opening novel, and we cannot say that the choice was a happy one. His story is short and unsatisfactory; and the stiffness of its characters, as well as the court-like atmosphere in which they move, are much more suggestive of the defects of the author of ‘Auf der Höhe’ than of the charming simplicity of his ‘Dorfgeschichten.’ Anastasius Grün, who but lately in his beautiful song from the Veldeesee (in Carniola) showed himself worthy of his reputation as Austria’s greatest poet, contributes an extract from a poem of his, ‘Zum Concil, 1414,’ which relates an incident in the journey of Pope John XXIII. through the Tyrol. The poem is labored in expression and description, and disappoints the author’s admirers by an unusual ruggedness of versification, such as—

“So an Leib’z- wie Seelenspeise.”

“Von Geweiht’ und Ungeweihten.”

“Was ich segn’, ist nur die Zukunft.”

Professor von Sybel, in a valuable essay on “Die erste Theilung Polen’s,” attempts the vindication of Frederic the Great from the charge of having for purposes of territorial aggrandizement planned the division of Poland. In spite of Frederic II.’s well-known memorial sent to his ambassador at St. Petersburg in 1769, Von Sybel maintains that the division was not the result of a plan preconcerted by any of the parties, but an expedient suddenly suggested by the danger of a general European war. According to Von Sybel, it was Joseph II. who by the occupation of the district of Zips precipitated the crisis. “Der Zug nach Sedau,” by Colonel J. von Verdy du Vernois, adds nothing new to the literature of the Franco-Prussian war, but is interesting as the account of an eye-witness to the capitulation of Napoleon III. and the events immediately preceding it. The colonel was chief of staff of the first army-corps, and General von Moltke dictated to him the first draft of the capitulation. Kaulbach’s letters to his friend, Edward Schüller, give evidence of the painter’s high literary culture and even of considerable poetic talent. “Botanische Probleme,” by Professor Ferd. Cohn of Breslau, is a somewhat pretentious epitome of the history of botanical science, and concludes with a plea for a more general appreciation of the value of natural sciences in public instruction, which at the present day seems a waste of words. We doubt whether two novels, however admirable, ought to appear in a single number of the *Deutsche Rundschau*, but we confess to a preference for Theodor Storm’s “Waldwinkel” over Auerbach’s production. It is a well-executed story of the dreamy and psychological character so much in vogue among German novelists. There are book reviews, strongly national in tone, by Friedrich Kreyssig, and no fewer than three articles on the stage, the one from Vienna being by Professor Eduard Hanslick, probably the best musical critic in Germany. The political review, which is limited to Europe, is well done; but good taste would have suppressed some harsh remarks on the political condition of France. We notice a few errata, such as Kirchhoff for Kirchhoff, “chips from a german work-shop,” and the un-Polish ending of “y” given to Czartoryski, Poniatowski, and other Polish names in Professor von Sybel’s article. E. Steiger and Stechert & Wolff are the New York agents for this monthly.

—Corssen’s first delivery on the ‘Language of the Etruscans’ occupies more than a thousand pages. While few readers can have yet found time to master it, we find its main positions stated in the *Athenæum* and *Academy*—more fully in the latter. As the result of thirty years’ labor, the learned author holds that the Etruscan is an Aryan language and old Italian dialect, which suffered much through long phonetic decay. All the important inscriptions in it he translates, arranging them according to their nature and the linguistic forms which characterize them. His second volume will contain in detail the proofs of the theory advanced in the first, and will give a complete grammatical analysis of the language, with “a discussion of the vexed questions relating to its origin, its affinities, the period of its development, and the age of its remains.” Mr. Isaac Taylor’s elaborate work on ‘Etruscan Inscriptions’ is set aside very quietly and amusingly. Mr. Taylor, it will be remembered, constructed an elaborate argument, assigning to the Etruscan a Finno-Altaic (Turanian) origin, on the hypothesis that certain dice discovered in 1848 contained six numerals in place of figures or pips. These he interpreted as follows:

mach=1 ci=2 zal=3 sa=4 thu=5 huth=6;

and he raked together sixteen other so-called Etruscan numerals, of which eighteen, says Corssen, “are no Etruscan words at all, but mere rags of words and letters put together at random by Mr. Taylor, who is not so far master of Etruscan epigraphy as to be able to read or divide Etruscan words



correctly. Out of the remaining four words, *huth cis sa mach*, three are nominal forms, the last a proper name." Corssen proceeds to write and interpret the inscriptions on the dice as follows:

Mach thuzal huth cisa  
Magus donarium hoc  
cisorio fecit;

or, Magus carved this offering. "The dice were an offering, and, like other votive offerings, never intended for practical use." Corssen gives, after Grotefend (1828), a preliminary list of twelve Etruscan numerals, and their resemblance to the Latin at once appears. We give the first six only: 1. *Eka*, Un-i; 2. *Tei-s*; 3. *Tri-na-eh-e*; 4. *Chvar-thv*; 5. *Cuin-te*; 6. *Ses-th-s*.

—Any one captivated by Mr. Boyd Dawkins's easy ethnology of the Basques, in the *Fortnightly* for September, would do well to read Herr Virchow's remarks on "The Primitive Inhabitants of Europe" (No. 193 of the series conducted by himself and Von Holtzendorff). When Mr. Dawkins argues for the extension of the Basques from Spain into Great Britain and Belgium, supporting his theory upon the discovery of skeletons of the Basque type in these countries, one sees that a chance would very likely arise for doubting whether these were skeletons belonging to the Basque race, if the observations upon them had been made by such an investigator as Herr Virchow, who is prepared to affirm after a study of skulls found in caves in Belgium, though referrible only in part to the reindeer period, that they may be divided into at least four different groups. The two writers do not have the same subjects in their essays: Virchow even does not allude to the other's theory, and does not quote his authorities; but he is led in his discussion of the ancient inhabitants of Europe, as known from the earliest historical notices, and (e.g., in the case of the Aryans) as inferred from the evidence of philology, to discuss the difficulties in the way of philological and ethnological researches apart from a certain history. Thus, at the outset, while Mr. Dawkins makes Iberians and Ligurians cognate, Herr Virchow says we know nothing about the Ligurians, and it is impossible to pronounce upon their affinity. We do not speak of Herr Virchow as an authority beyond dispute. A few of his observations seem remarkably careless to meet in a scientific discourse, and his essay would be the better in clearness if he had had some one theory to discuss as Mr. Dawkins has; but for its caution, although here and there it may be excessive, the essay deserves reading. —No. 196 of the same series is an essay by Friedrich Helbig on 'The Legend of the Wandering Jew, in its Poetical Transformation and Growth,' chiefly as this has been effected on German ground. The suggestion of a writer in 1848, that the Wandering Jew would be a fine man for the Universities to struggle to enroll in the list of their professors of history, appears to have been well worked by Andersen and Heller. Heller and Hamerling are the latest exploiters of the legend. Heller's poem is a panorama of the history of the Christian ages in verse; while with Hamerling the original character of the legend, Ahasuerus, the Jewish shoemaker of Jerusalem who would not suffer Jesus to rest by his door when he sank down there as he was being led to his death, is transformed into humanity always dying and yet eternal—if one may say "ewige Menschheit" in these days of Darwinism.—Dr. H. M. Richter's 'The Piccolomini' (No. 201 of the same series) details the true history of Octavio Piccolomini's career in contrast with Schiller's free treatment of it. The poet, who has handled the general incidents of Octavio's life and times to his pleasure, has trusted almost wholly to himself in his Max Piccolomini. The latter, as a Piccolomini, is altogether the poet's creation. Count Max Waldstein, Wallenstein's brother-in-law, was entrusted with the care of Wallenstein's wife and daughter; he had the influential position at court said in the poem to belong to Max Piccolomini; he tried to keep Wallenstein in favor at court; and he was the commander of the model regiment, the most powerful in the army and the finest. These traits which appear in Max Piccolomini are historical; but otherwise Max is a free invention. This in opposition to Baron Weyhe-Einke, who has written an essay maintaining the historic originality of Max Piccolomini, and in agreement with E. Piccolomini.—Another number (204) of the series, Franz Engel's 'The Life of the Soul and of the Senses under the Tropics,' might be commended as an exercise in reading to students of German somewhat advanced and in private classes, if one did not consider a good deal of the rhetoric stilted; but if the last quarter of the discourse were omitted, and the judicious teacher were to make the proper observations upon the author's philosophical and other speculations, we should think the aspects of tropical nature and life here generalized would prove quite interesting.

#### THE PROTESTANT REVOLUTION.\*

LUTHER is the hero of the Reformation, but Luther is not the representative of the whole of the movement which Mr. Seebohm happily terms the Protestant Revolution. He represents the religious side of the Reforma-

tion; Erasmus represents the intellectual side of the revolt against the system of the Middle Ages. Had it been possible for these two men and their disciples to have acted in perfect union, the Revolution would have attained a success which, in fact, only partially fell to it. One of the great merits of Mr. Seebohm's most remarkable little work, which contains more than is of value than is often to be found in elaborate histories of far greater size, is that it makes clear both the points of similarity and the points of essential difference between the school of Oxford and of Wittenberg. His only fault is that, while he is just to Luther, his heart is with Erasmus. He clearly feels some regret that the Reformation did not fall under the guidance of the scholar rather than of the enthusiastic monk. The feeling is one certain to be shared by a host of modern readers, for Erasmus was the broad churchman of his day, and is naturally admired by the divines and liberals of the nineteenth century. The question why it was that the Reformation fell under the leadership, not of Erasmus and Colet, but of Luther and Calvin, has more than an historical importance, since it throws some light on problems of the present day. In spite of his almost avowed bias in favor of the Oxford Reformers, no fairer guide through the intricate paths of the Reformation can be found than Mr. Seebohm. His work, if carefully studied, makes clear both the claims of Erasmus on our gratitude and the reasons why they fall short of the still greater claims of Martin Luther. Up to a certain point, Erasmus and Luther may be fairly considered as laborers in exactly the same cause. Each of them hated priestcraft, each of them saw how great were the evils brought on mankind by the condition of the Church, each of them wished to attack what each considered the main source of these evils. Each reformer held that true religion consisted not in ceremonies, but in a return to the principles of Christianity. If it be said that Luther contemplated only religious reform, it must be remembered that a reform of religion which placed the Bible in the hands of the people virtually involved a reform of education. If, on the other hand, it be thought that the efforts of Erasmus were directed to what a later age would have called the "spread of enlightenment," it must be borne in mind that his idea of enlightenment was to lay open, to learned and simple alike, the real character of the New Testament divested of all the traditional interpretation by which scholastic theology had concealed its true meaning. Not only may it fairly be said that Erasmus went a great way on the same path as Luther, but it may also be urged that in so far as he differed from Luther he deserves, in the judgment of modern readers, to be preferred to the reformer whose fame has so completely eclipsed his own.

One of the essential points which divided Luther from Erasmus was that the German priest believed heart and soul in doctrines which, by a convenient anachronism, may be termed "Calvinistic." "It is well to remark," writes Mr. Seebohm, "that these Augustinian doctrines (of Luther's) were, in fact, part of that scholastic theology from which the Oxford reformers were trying to set men free. In not accepting them they differed from Luther, but they and Luther had one thing in common—they alike held that religion did not consist in ceremonies, but was a thing of the heart." When Luther read the edition of the New Testament by Erasmus, "he discovered that there was a great difference between Erasmus and himself; that Erasmus did not accept those Augustinian doctrines on which his own faith was built. He knew that Erasmus was doing a great work towards the needed reform, and this made it all the more painful to find that in these points they differed. He was 'moved' by it, but he wrote to a friend: 'I keep it to myself, lest I should play into the hands of his enemies. May God give him understanding in his own good time.' " "This is a fact which in justice to both should never be forgotten. Luther was conscious of it from the first, and it had this future significance, that if Protestantism, as it afterwards did, should follow Luther and adopt the Augustinian theology, Erasmus and the Oxford reformers never could become Protestants." Now, on this, the vital point of difference between the two Reformers, almost every liberal-minded man of the present day will give a verdict in favor of Erasmus. The Augustinian theology has ceased to be the power which it was during the era of the Reformation. Modern theology is for the most part grounded on the very principles for which Erasmus contended. More and more it becomes clear, even to clergymen and divines, that a whole mass of theological speculation is merely the result of scholasticism, and must fall to the ground with the system from which it springs. When Erasmus published his edition of the New Testament, "he realized a great object which Colet had long had in view—viz., not only to draw men away from scholastic theology, but to place before them, in all the freshness of the original language and a new translation, the living picture of Christ and his apostles contained in the New Testament." In other words, the aim of the Oxford reformers was exactly the same as the aim of all the liberal divines of the nineteenth century. Erasmus, moreover, though a scholar, was free from the professorial weakness of wishing only to appeal to men of education and

\* 'The Era of the Protestant Revolution. By Frederic Seebohm.' London: Longmans, Green & Co.; New York: Scribner, Armstrong & Co. 1874.

culture. "I wish," he says in his preface to the New Testament, "that even the weakest woman should read the Gospels, should read the epistles of Paul, and I wish that they were translated into all languages, so that they might be read and understood not only by Scots and Irishmen but also by Turks and Saracens. I long that the husbandman should sing portions of them to himself as he follows the plough; that the weaver should hum them to the tune of his shuttle; and that the traveller should beguile with their stories the tedium of his journey." Erasmus, again, and his school, possessed a width of view far beyond that attained by most of the reformers of their age, or, indeed, of subsequent ages. At a time when princes were everything, and the people little or nothing, they maintained that governments and nations existed for the sake of the whole commonwealth. They deprecated war, they urged the necessity of general education. They caught at least a glimpse of the doctrine of complete religious toleration; thus More in his 'Utopia' "describes the Utopians as giving full toleration to all varieties of doctrines and differences of creed, and pictures all worshipping together in one united and simple mode of worship expressly so arranged as to hurt the feelings of no sect among them, so that they might join in it as an expression of their common brotherhood in the sight of God."

Luther, on the other hand, commands the admiration but hardly obtains the sympathy of modern students. His theological doctrines have ceased to exert a wide influence. He shared to the full the superstitions of his age. He did not know what toleration meant. In all his conduct you can see that he is at bottom a German peasant. His mode of teaching was effective in its time, but does not suit the taste of the present day. You never get rid of a certain boorishness and roughness of manner which offends all the canons of modern good taste. If "sweet reasonableness" could have reformed the world, Erasmus and his friends ought to have been the leaders of their time. That they were not so must be manifest even to those worshippers of good taste who look upon the Protestant reformer as a Philistine. Mr. Seebohm is too wise a man to share the prejudices of such superfine critics. But he is obviously rather perplexed, and, so to speak, somewhat aggrieved at the fact that the Reformation was guided not by the rational wisdom of Erasmus, but by the dogmatism, the enthusiasm, and boldness of a preacher whose language is occasionally so strange that a calm critic like Hallam feels that "it almost justifies the supposition that there was a vein of insanity in his very remarkable character." Yet candid enquirers will find little difficulty both in accounting for the success of Luther and in perceiving that, on the whole, he deserved more than any other teacher to be the prophet and hero of his generation. It must, in the first place, be conceded that Luther's success was in a measure due to his defects. The views of Erasmus were in some respects too far in advance of the age to exert their due influence. "The Oxford Reformers aimed at leaving people open to form their honest judgment on various points of theology and practice according to their own consciences, and urged that people with different opinions and practice might be members of the same church, have charity one towards another, and agree to differ without quarrelling." It is easy enough in the nineteenth century to perceive that such teaching embodies a great deal of important truth, but the truth it represents was not of a kind to be easily understood in the sixteenth century. Sir Thomas More himself could not in practice adhere to his own doctrines of toleration. Luther's scholastic system was far better suited for the age. Reformers called upon to combat an infallible church needed for their support the strength of a dogmatic creed and the absolute belief in an infallible book.

But though the very defects of Luther's views were in a degree a source of his strength, it is a grievous error to suppose that he succeeded where Erasmus failed simply because the Oxford Reformers were in advance of their generation. The school of Wittenberg triumphed, and deserved to triumph, because Luther was in the right on what was after all the essential question of the time. He perceived that the papal system was false, and that no reform could be permanent which did not involve a breach with the Papacy. Erasmus believed, and no one can wonder at the belief, that the Papacy might be reformed. The belief was natural enough at the time, but the experience of centuries has proved that it was erroneous. The outrageous abuses which called aloud for removal in the time of Erasmus have been mostly either kept down or done away with. Pius IX. and his cardinals are as decent and respectable a body of ecclesiastics as the world has seen. But Pius IX. and the system of which he is the head are fully as great an obstacle to the progress of truth, of liberty, of toleration as were the popes and cardinals of the sixteenth century. It may even be said with truth that the modern Papacy is far more consciously opposed to progress than were the corrupt or licentious popes who excited the indignation of Luther or the satire of Erasmus. The dogmas of the Council of the Vatican would have excited the astonishment and perhaps even the laughter of Alexander VI. or Leo X. On the other hand, Protestantism, like the

Papacy, has proceeded in its course of rational development. Luther's teaching was not tolerant, but it has ultimately produced the reign of toleration. Luther was obviously too indifferent to the political rights of the people. But wherever Protestantism has flourished, liberty has flourished also. Look at the matter from whichever side you will, and the fact becomes apparent that to overthrow the power of the Papacy was to take away the corner-stone on which the whole mediæval system of religion, theology, and society depended. To attempt to reform the Papacy was to attempt to reform that which from its very nature might be destroyed but could not be ameliorated. What was needed was not reform but revolution. Erasmus was a most sagacious reformer; but Luther, in the strength of his religious enthusiasm and of his hatred of what he saw to be palpably false, dared to be a revolutionist. Such daring, in nine cases out of ten, leads simply to failure, because a man may well have the boldness to venture on revolution without the insight to perceive what is the fundamental change which the time requires. In the one case in which the revolution succeeds, the leader deservedly becomes the hero of his age.

#### SPENCER'S DESCRIPTIVE SOCIOLOGY.\*

MR. SPENCER set out very fully in his work on the 'Study of Sociology,' published last year, what was his idea of the mode in which sociological investigations should be pursued. His theory is substantially this: Mankind, as well as the rest of the universe, is governed by law. This is impliedly acknowledged even by those who refuse to admit it in terms, in the confident predictions they constantly utter as to the manner in which individuals will, under certain circumstances, behave, or to the consequences which will flow from such-and-such lines of conduct or from such-and-such legislation. Now, if we take an individual infant, we find we cannot predict all the special facts of his career—that is, what he will be, or how long he will live, or what kind of character he will have. No reading of biographies will help us to any conclusions of the slightest value on these points. Coming down, however, to facts somewhat less special, we find we can predict with some confidence. He probably will not attain eminence in any field of activity before the age of twenty, and about that age he will probably desire to marry, and so on. Coming down to facts of physical and mental growth, structure, and function, and development, we find that we can predict them with greater or less degrees of certainty. Mr. Spencer holds that there is a strong analogy in all these particulars between individual men and those aggregates of individual men we call societies. What ordinary biography is to anthropology he thinks the ordinary history is to sociology. In other words, the ordinary history gives one no better understanding of the constitution and probable future of an aggregate of men than biography gives us of the constitution and probable future of an individual man. "The kind of relation which the sayings and doings which make up the ordinary account of a man's life bear to an account of his bodily and mental evolution, structural and functional, is like the kind of relation borne by that narrative of a nation's actions and fortunes its historian gives us to a description of its institutions, regulative and operative, and the ways in which their structures and functions have gradually established themselves." In other words, to be able to attain that amount of certainty in prediction with regard to a nation's character and career which we have accomplished with regard to individual men, we must study the facts of its growth, development, structure, and function—that is, its anatomy and physiology. Nevertheless, the morphology and physiology of society do not correspond exactly to the morphology and physiology of man, but to those of all living organisms, or to morphology and physiology in general. Society is not of one type or grade, but of several, and has to be studied in a variety of groups and classes. There are fish, and reptile, and quadrumanal as well as bimanal societies, Mr. Spencer would say, though with certain traits of structure and development running through them all.

Accordingly, he feels that, in order to study sociology to any purpose, there must be made, what does not exist, and what historians have never thought of supplying, a collection of the facts which constitute their anatomy and physiology, and the investigation of which is necessary to a knowledge of the laws of their structure and growth. It is in order to supply this want, or rather to make a beginning of supplying it, that Mr. Spencer has entered on the enormous work of which the first two parts lie before us in folios of seventy pages each. Mr. Spencer has now been engaged on it since 1867 with a corps of competent assistants. It is to consist of three great divisions, each dealing with one group of societies: 1. Uncivilized societies; 2. Civilized societies, extinct or decayed; 3. Civilized societies, recent or still

\* 'Descriptive Sociology; or, Groups of Sociological Facts, classified and arranged by Herbert Spencer. Nos. I. and II. English, Ancient Mexicans, Central Americans, Chinchas, and Peruvians.' New York: D. Appleton & Co.



flourishing. The first instalment of the civilized societies recent or still flourishing, and the first of civilized societies extinct or decayed, have now appeared. The first of the uncivilized societies will appear in the course of the coming year.

Let us take, in order to give the reader some idea of the manner of execution, Table I. of Part I., dealing with the English society during the British and Roman periods. The first question to be answered is, What were the environments or surroundings of the society?—that is, under what circumstances, not of its own creation, did it live? This is answered by a summary description of the soil, geology, and climate of the island—this being the “inorganic environment”; next, by description of the flora and fauna, as the “organic environment”; and next, of the neighboring tribes or societies, as the “sociological environment.” Then comes the question what kind of men composed the society at the period in question, and this is answered by giving their physical, emotional, and intellectual characteristics. The Table devoted to the structural traits is divided between the “Operative” and “Regulative.” Under the former head we have some account of the kinds of production in which the society was engaged, and of the manner in which labor was organized and directed. Under the head of “Regulative” we have some account of the various customs and institutions in which the religious, moral, and political ideas of the society found expression—civil, military, and ecclesiastical. These include marriage; the government and education of children; the civil government of the tribe; its preparation for war; its worship, and the machinery for worship; its funeral rites; its rules of social intercourse, modes of dress, and other habits and customs. Passing to its functional traits, we find under the head of “Regulative” its aesthetic and moral ideas and language; under the head of “Operative,” the process by which it manufactured or exchanged, or produced in any way, the products of its industry, such as land-works, houses, clothing, utensils, weapons, and ornaments. By running down the Tables, you follow the growth of the society; by running across them, you get an idea of its structural and functional condition at any given period. Looking at them as mere suggestions, it is safe to say that a student who took them as guides in a course of historical reading would find his notion of what constituted history almost reversed; that is, he would find the class of facts of which nearly all histories are now composed relegated to a position not simply subordinate but almost insignificant; and another class which historians only notice incidentally, if at all, spread over the whole field. The column of “events” which every table contains has indeed about the same bearing on the others as the short sketch of the living history of a subject in the dissecting-room—his age, calling, and cause of death, if known—might have to the examination which followed.

Of course the question which rises to the lips of every one who sees these Tables, after he has got over the first impression of surprise and admiration created by the evidences of enormous labor which they exhibit, is, how trustworthy are they? and when one asks this, one comes upon the weak points in all attempts to treat sociology as a science. The analogy borne by the morphology and physiology of society to morphology and physiology in general is plain enough; but in investigating the latter we examine the organisms themselves, either wholly or in part. They are under our eyes. We handle them, dissect them, treat them with chemicals, investigate them with the microscope. The structure and functions of animals and vegetables we learn, in short, from the physical examination of them and not through testimony about them. In informing ourselves, on the other hand, about the growth and functions of society, we are almost entirely dependent on testimony, and that, too, testimony of an exceedingly defective kind—the chronicles of credulous and hasty historians, and the narratives of ill-trained or unscrupulous travellers, or the incidental allusions of soldiers or geographers. If anybody will look, for instance, at the materials from which the Tables relating to Roman Britain have been constructed, he will find that they consist largely of extracts from histories which are themselves largely conjectures of more or less ingenuity, based on meagre inscriptions and the results of a few excavations, or on Cæsar's scanty allusions in his account of his own campaigns. This difficulty, of course, diminishes as the observers grow in number and accuracy and the volume of literature swells, or, in other words, as we approach our own time; but it must be admitted that as regards uncivilized societies, and extinct or decayed civilized societies, and the early period of civilized societies, it is very serious. There is, too, one great source of error in all attempts to analyze a society distant from our own either in time or in manners, arising out of the danger of taking incidents to be symptomatic or general which are really isolated and exceptional. Cases of this occur constantly in our own day, in the accounts given by travellers of the manners of foreign nations, in spite of the great facilities for correction afforded by the multiplicity of accounts and by the busy criticism of the periodical press. The dangers to accuracy arising from it in dealing with re-

mote ages and stages of civilization, in which the records of any kind were so scanty that collation is hardly possible, may be readily imagined. In short, an effort to base a science on literature must necessarily be tentative and unsatisfactory. This is no reason for not making it in the present case, and Mr. Spencer is not answerable for the imperfections of his materials, nor any the less entitled to praise and encouragement because they are imperfect; but the matter deserves mention for the benefit of those ardent disciples who in every field of investigation are prone to outrun the master and be quite sure and impetuous where he hesitated and groped.

#### THE NORTH AMERICAN REVIEW FOR OCTOBER.

IF the article in the current number of the *North American* called “An Episode in Municipal Government” were not signed Charles F. Wingate, we should have inferred from internal evidence that Mr. C. F. Adams, jr., had had something to do with its composition, dealing as it does with a subject—the history of the New York Ring—which he has made his own, and having a style bewilderingly like his. Any one who wishes, at the present stage of the Reform movement, to be consoled for the apparent shortcomings of Messrs. Havemeyer and Green, or any despondent Liberal-Republican who refuses to be comforted because General Dix has or has not declared himself against the Third Term, will do well to refresh his memory by looking over this article, which will carry him back to the good old times of a few years since, when the chief-magistrate of the city was Hall, and its finances were in the hands of two gentlemen, one of whom was known as “Slippery Dick,” while the other described his theory of the art of government in these words: “I keep my eyes wide open when election comes along, stick my arm down as far as it will go, and pull it out as full as it will hold”; and when at the head of the judiciary in one of the richest and most important jurisdictions in the United States were George G. Barnard, Albert Cardozo, and John H. McCunn. The story of the rise of the Ring has been often told, nowhere better, on the whole, than in this article, which is to be followed by one or two more, giving the history of some of the Ring's proceedings and their downfall. The writer of the article has evidently had opportunities of acquainting himself with the ins and outs of his subject, and his portraits of the gang are very vivid. For some reason (as we believe we have seen stated in one of the earlier articles of the *North American*), events which happen in New York lend themselves to a certain kind of narrative-writing much more readily than those which take place in New England, the Western Reserve, or the Valley of the Mississippi. Fraud and crime happen in every State and Territory, but New York fraud and crime are always the most interesting and, if not picturesque or romantic (being indeed generally too brutish to be romantic, and too vulgar to be picturesque), certainly the most sensational. The Hartford and Erie frauds, the railroad history of Vermont, the building of the Pacific railroads, or the recent financial history of South Carolina, teem with corruption and crime; but perhaps because New York is the largest city in the country, and because there is a feeling that it is really, if not nominally, the capital, there is, not precisely a subtle charm, but a rank fascination about the lives and adventures of our great men, our Fisks, Barnards, Cardozos, McCunns, Tweeds, Sweenys, Halls, and Connollys, which will not be resisted.

In an article on “Lombard and Wall Streets,” Mr. Gamaliel Bradford discusses some of the questions raised in Mr. Bagehot's recent book on the money market, and indulges himself in what appears to be rather a Quixotic tilt at the latter's theory of deposits. We say Quixotic, because whatever may be the value of Mr. Bradford's speculations as to the true nature of deposits, the practical lesson which he derives from his speculations—that “the first step towards specie payments will be to place the Secretary of the Treasury in Congress”—would probably strike the ordinary reader as having no very close relation to the main question, whether deposits are the savings of the community deposited in the banks, or whether they are mere creations of currency. It is only fair to say, however, that a connection does in Mr. Bradford's mind exist.

The remaining articles are on the “Modern Type of Oppression,” by Mr. D. A. Wasson; on “Exact Science in America,” by Mr. Simon Newcomb; and on “Retrogressive English” (a review of Oliphant's “Sources of Standard English”), by Mr. Fitzedward Hall. Mr. Wasson observes that—

“There are two kinds of liberty, unlike in character and often opposite in effect. The one consists in the mere absence of restraint; the other, in such an order and discipline as shall make the relations of men wings rather than fetters, salutary, serviceable, productive, rather than a means of demoralization and degeneracy. Now, it is apparent that the attention of the modern world has for some time been devoted chiefly to the first-named, that is, to the liberty which consists in being left to follow one's personal inclination. The stress of effort for a century has gone to the removal of social restraints, as, for example, in that setting aside of restrictions upon the liberty of assemblage, of speech, and of publication which, if complete

only in England and America, has more or less taken place in all civilized lands. These changes constitute an important amelioration, and it is by no means with a design to disparage them that we remark upon the peculiar and somewhat exclusive character of modern reform. The century has done well to deliver itself from many restraints, which, however appropriate to the moral conditions of an earlier age, were only hindrances or impertinences in ours. Liberty in the customary sense, that is, the free initiative of the individual, contributes greatly to impulse, energy, enterprise, zest, and thus is the proper correlative of a capable social discipline: combine the two, each at its best, and the highest productivity of civilization is provided for. Our time, however, has set its heart upon one of the two, to the temporary neglect of the other. We disestablish, displace, abolish, make room for 'the voluntary principle,' and meantime hold it for the highest merit of government, not that it should be wise, capable, steadfast, able to secure for the nation the liberation of social health, but that it should be in the nature of a weather-vane, well poised and oiled, to turn with every wind."

The object of this article is to show that as a century ago society was in danger from not having liberty enough, it is now in danger from having too much license; that we are nowadays in no likelihood of oppression at the hands of kings, priests, or nobles, but from that kind of tyranny which "exists where, in the absence of a sovereign, sanitary control, liberty becomes lawless and a canker; where egotism, unrestrained, runs riot; where private interest, abandoned to its own conduct, becomes predatory; and where, to crown all, government itself, amid the great factions of private force, resembles a weak nation between powerful and contending neighbors, forced into an alliance now with this, now with that, and strong enough to afford either a decisive reinforcement, but never strong enough to maintain its independence, still less to impose peace."

Mr. Newcomb gives some remarkable information on a subject often talked about, but little understood, the comparative condition of the higher sort of scientific study—the study of those who devote themselves to science in its purer forms without hope of profit or reward—here and in Europe. Mr. Newcomb says that in mathematics if we look for publications of original investigations we find an utter blank; that of mathematical journals designed for original investigations, such as exist in nearly every country in Europe, "we have none and never had any"; that outside of New York, the Eastern States, and the city of Baltimore, even the standard writings of the great mathematicians are inaccessible, except by private purchase; that "if the reader will visit the Royal Library at Berlin, he will find among the dictionaries and other works kept for constant reference in the public reading-room a set of Crelle's *Mathematical Journal*, the volumes of which are among the best-thumbed there; and if, as he looks at them, he will reflect that our National Library does not possess the volumes at all, he will need no further illustration of the relative state of mathematical science in the two countries." These, however, are but hints at the facts he gives; the general conclusion that "we are a generation behind the age in nearly every branch of exact science," which Mr. Newcomb thinks the average citizen will agree to, he does not believe ought to be attributed to the backwoods character of so much of American life—to the fact that we have been so busily engaged in hewing wood and drawing water, and developing our mines and railroad system—but rather to the want of effective organization and incentive. Mr. Hall's paper is, like all his writing, entertaining and instructive. In fact, what with the book-notices and articles, we have not seen for a long time so good a number of this able and valuable publication.

*History of the German Emperors and their Contemporaries.* Translated from the German and compiled from authentic sources. By Elizabeth Peake, author of 'Pen Pictures of Europe.' Illustrated. (Philadelphia: J. B. Lippincott & Co. 1874. 8vo, pp. 587.)—If Miss Peake had been contented with the plan which she has sketched in her preface of taking the portraits of the emperors in the Kaisersaal at Frankfurt, and making their personalities the basis of a sort of biographical history of Germany, she would have made a welcome and altogether creditable book. The parts of her work which are in execution of this plan are very well done; the portraits of the emperors are well engraved, and their lives are on the whole well told. The book is worth having, if it were only for this series of portraits, which are, of course, good likenesses for modern times, and for earlier times have a certain historical value from the costumes, suits of armor, etc. Unfortunately, our authoress has been carried away by that fatal passion for completeness which has spoiled so many promising histories, and must needs crowd her pages with dry chronicles after the following fashion (p. 379): "In 1607, under James I. of England, the colony of Virginia was founded at Jamestown. In 1614, John Smith explored the coast from Penobscot to Cape Cod, and named the country New England. In 1620, the Plymouth Company lauded one hundred English Puritans, etc., etc." There is an immense amount of detail like this, from the history of every country

under the sun, much of it quite as irrelevant as the above. Considering the amount of detail, however, there is a very great degree of accuracy. The author has industriously used the best authorities of easy access, and has for the most part discreetly, and very properly, avoided matters of special erudition. Still we notice a few points of greater or less importance in which she is at fault. Page 21, we have the division "into hundreds, communes, and manors" ascribed to Charlemagne, just as the similar organization in England is wont to be ascribed to Alfred. Page 25, we have Louis the Pious "trusting his German more than his Frankish subjects"—an incorrect distinction in terms, although the author's meaning is easily seen. We have such use of French terms as Frisons (p. 60) for Frisians. The Salic Law is said (p. 57) to have been "first alleged against Edward III.," whereas it was at the death of Louis X. that it was put in operation. The old exploded story of St. John of Nepomuk is related (p. 171); of the three popes before the Council of Constance, one is said (p. 177) to have resided in Spain; on p. 199, we have the reign of Ladislas Posthumus and the succession of Matthias Corvinus in 1457, and then comes, as if in due order (p. 200), Ladislas III. of Poland (or Uladislau I. of Hungary) and the battle of Varna in 1444; on p. 327, William III. is called grandson of William the Silent.

There is an index, very good as far as it goes, but it does not appear to give half the names contained in the body of the work.

*Nimrod of the Sea; or, The American Whaleman.* By William M. Davis. (New York: Harper & Brothers. 1874.)—It is but fair that purchasers of this book should know what time it covers. Full dates are not given in the text, nor are the clues by which they may be determined frequent, and few readers will know whether Mr. Davis's voyage is an old or a recent one. We have filled out the dates of the journal, and some of them are as follows: Mr. Davis sailed from New London for the Pacific Oct. 11, 1834, touched at the Hawaiian Islands in Jan. and March, 1836, and at Callao in May, 1837; and got home to New London in March, 1838. Readers who have an acquaintance with these places may verify, as we have done, the above dates. For the rest, the story is of an old-fashioned whaling voyage, spiced with various whalemens' adventures "in the form of yarns." The book is a readable one, but in interest and in fulness of information it is inferior to Herman Melville's 'Moby Dick,' which describes the sperm-whale fishery at a later time than that of Mr. Davis's journal, and with an accuracy not less remarkable than the poetic and imaginative faculty which has made the work a classic among sea-tales.

*The Mormon Country.* By John Codman. (New York: U. S. Publishing Co. 1874.) *A Woman's Life in Polygamy.* By Mrs. T. B. H. Stenhouse. (Hartford: A. D. Worthington & Co. 1874.)—Both of these books profess entire impartiality of treatment. At the ethical quality of Mr. Codman's impartiality we can make a guess by the aid of the following passage (p. 198), apropos of the Pacific Railway: "The hands of Oakes Ames were never soiled by any dirty lobby transactions. His great object was to build a railroad that has united the East and the West and made our country one and indivisible. To effect this he did not hesitate to directly approach members of Congress in the most approachable way. He knew that 'where the treasure was there would the heart be also' [sic]. He finished his work, and now lies beneath a simple tombstone in the churchyard of a New England village." Acrid criticism, on the other hand, is the forte of Mrs. Stenhouse, and her book may be taken as an antidote to the bane of Mr. Codman's laxness. She calls it 'The Story of a Life's Experience in Mormonism,' and it is a not wholly uninteresting record. But both of these books are a confused jumble of impressions and facts, and are nearly as devoid of the higher intelligence as the average Fourth-of-July oration.

\*. Publishers will confer a favor by always marking the price of their books on the wrapper.

#### BOOKS OF THE WEEK.

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Adams (Prof. C. K.), Democracy and Monarchy in France.....	(Henry Holt & Co.) \$2 50
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## THE WEEK IN TRADE AND FINANCE.

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The bank statement for the week ending October 24 was unfavorable, and reflects the shipment of currency which for some weeks has been going South. The loss of legal tenders and specie is shown by a corresponding loss in deposits. The statement analyzed shows that the surplus reserve has been reduced \$2,334,325 during the past week. The following is a comparison of the averages for the past two weeks:

	Oct. 17.	Oct. 24.	Differences.
Loans	\$282,275,200	\$281,873,500	Dec... \$401,500
Specie	15,007,800	13,585,200	Dec... 1,422,600
Legal tenders	60,697,000	58,830,800	Dec... 1,866,200
Deposits	230,122,700	226,304,800	Dec... 3,817,900
Circulation	25,060,500	25,013,500	Dec... 47,000

The following shows the relations between the total reserve and the total liabilities:

	Oct. 17.	Oct. 24.	Differences.
Specie	\$15,007,800	\$13,585,200	Dec... \$1,422,600
Legal tenders	60,697,000	58,830,800	Dec... 1,866,200
Total reserve	\$75,704,800	\$72,416,000	Dec... \$3,288,800
Reserve required against deposits	57,530,675	56,576,200	Dec... 954,475
Excess of reserve above legal requirement	18,174,125	15,839,800	Dec... 2,334,325

Government bonds have been firm, and prices at the close of the week show a slight improvement over those at the close of the week previous. Dealers report difficulty in supplying large orders which come from savings-banks, trustees of estates, and others limited by law as to the character of their investments.

The gold market has been firmer in tone, although prices have advanced but a small fraction since last Monday. The following gives the daily range of quotations for every day during the past week:

	Opening.	Highest.	Lowest.	Closing.
Monday, Oct. 19.	110	110	110	110
Tuesday, Oct. 20.	110	110	110	110
Wednesday, Oct. 21.	110	110	110	110
Thursday, Oct. 22.	110	110	110	110
Friday, Oct. 23.	110	110	110	110
Saturday, Oct. 24.	110	110	110	110

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Catalogues free, giving full descriptions of

## GOODWIN'S GREEK, ALLEN AND

Greenough's Latin, Hudson's School Shakespeare in pamphlet form, Mason's Music Readers and Charts, Our World Geographies, Pierce's Tables and Elements of Logarithms, etc.

## NOTICE TO THE HOLDERS

OF THE

## FIRST-MORTGAGE BONDS OF THE OREGON AND CALIFORNIA RAILROAD.

The undersigned Trustees are prepared to purchase, for the Sinking Fund, a certain amount of the First Mortgage Bonds of the Oregon and California Railroad Company, and hereby invite offers of such bonds from holders.

The lowest offers will be accepted up to the amount of the available means which are derived from the sale of the Company's lands; but no proposals above par and accrued interest in gold will be considered.

Communications stating amount and price of bonds, and marked "Offer of Oregon and California Railroad Bonds," may be addressed to the undersigned, care of the London and San Francisco Bank, San Francisco, California.

MILTON S. LATHAM,  
WILLIAM MORRIS,  
FAXON D. ATHERTON, } Trustees.  
SAN FRANCISCO, Sept. 1, 1874.



